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of
WITNESSES

Defense' Witnesses

Page

ISHIBASHI, Tansan

25413

Direct by Mr. Logan

25413

(Witness excused)

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EXHIBITS

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Monday, 11 August 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE STUART McDOUGALL,
Member from the Dominion of Canada and HONORABLE
JUSTICE I. M. ZARAYANOV, Member from the USSR., not
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: May it please the Tribunal,
5 before my learned friend resumes his presentation of
6 documents may I call the attention of the Tribunal
7 to an extremely false report in the newspaper "Pac-
8 ific Stars and Stripes" of the proceedings of this
9 Tribunal last Friday? On this particular occasion
10 I happen to be the victim of it. In a paragraph
11 printed in heavy type they say "Prosecution Drops
12 NEI Charge Against Tojo", and continues: "The pros-
13 Friday told the International Military Tribunal for
14 the Far East that it was abandoning its indictment
15 allegations that former Premier Hideki Tojo and the
16 twenty-four other Japanese leaders on trial for war
17 crimes charges participated in a conspiracy to dom-
18 inate the Netherlands East Indies government in the
19 time between 1928 and 1937."

21 It will be within the recollection of the
22 Tribunal, and the record shows, that what I said on
23 behalf of the prosecution was the exact opposite,
24 namely, that as there was no allegation in the indict-
25 ment or anywhere else relating to this matter, there
was nothing to withdraw. I find it difficult to

1 believe that anybody could have communicated this
2 report to the newspaper in good faith.

3 THE PRESIDENT: Well, the transcript shows
4 what you said, Mr. Carr.

5 Before me, on my arrival in court this
6 morning, is an offensive note addressed to me. How
7 those things can happen I don't know. I'll say no
8 more about it.

9 Mr. Logan.

10 MR. LOGAN: If your Honor please, we now
11 offer in evidence defense document 1400-H-3, being
12 a memorandum from Ambassador Grew dated November 10,
13 1941, reporting conversation he had with the Japanese
14 Minister.

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: If it please the Tribunal,
17 the prosecution objects to this document as irrelevant.
18 It is merely Ambassador Grew's report of the opinion
19 communicated to him by an unknown minister on the
20 subject of the rapidly increasing Japanese popula-
21 tion.
22

23 MR. LOGAN: My friend picks up the most
24 minute portion of this document and calls it to your
25 Honor's attention. He knows we are not offering it
to show that the population of Japan was increasing.

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2 report to the newspaper in good faith.

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19 communicated to him by an unknown minister on the
20 subject of the rapidly increasing Japanese popula-
21 tion.
22

23 MR. LOGAN: My friend picks up the most
24 minute portion of this document and calls it to your
25 Honor's attention. He knows we are not offering it
to show that the population of Japan was increasing.

1 He knows we are offering it to show that this was
2 another protest by the Japanese Minister against
3 the economic pressure that was being applied by the
4 allied powers, setting forth the necessity of Japan
5 to obtain raw materials for self-preservation and
6 self-existence.

7 THE PRESIDENT: By a majority, the document
8 is admitted tentatively.

9 THE CLERK: Defense document 1400-H-3 will
10 receive Exhibit No. 2838.

11 (Whereupon the document above re-
12 ferred to was marked Exhibit No. 2838 and
13 received in evidence).

14 MR. LOGAN: I shall read the exhibit just
15 offered in evidence:

16 "Memorandum by the Ambassador in Japan
17 (Grew), dated TOKYO, November 10, 1941.

18 "The Minister went on to say that the pop-
19 ulation of this country is steadily and rapidly
20 increasing; it was now about one hundred million;
21 and it was necessary to assure raw materials nec-
22 essary for their existence. It was his opinion
23 that unless the American Government realizes this
24 fact as among the realities of the situation, success-
25 ful conclusion to the conversations would be difficult.

1 During the conversations carried on for a period of
2 more than six months, the Japanese Government had
3 repeatedly made proposals calculated to approach the
4 American point of view, but the American Government
5 for its part had taken no step toward meeting the
6 Japanese position and had yielded nothing -- it had
7 perhaps taken a more advanced position. Those being
8 the facts, 'we in Japan are led to wonder what is
9 the degree of sincerity of the American Government
10 in continuing with the conversations.' Signed
11 Joseph C. Grew."

12 We now offer in evidence defense document
13 401-B-8 and 9, which are excerpts from Peace and War
14 with respect to the repeal by the United States of
15 the Neutrality Act.

16 THE PRESIDENT: Admitted tentatively.

17 THE CLERK: Defense document 401 B-8 and 9
18 will receive Exhibit Number 2839.

19 (Whereupon the document above re-
20 ferred to was marked Exhibit No. 2839 and
21 received in evidence.)

22 MR. LOGAN: I shall now read Exhibit 2839,
23 excerpts from Peace and War with respect to the
24 repeal by the United States of the Neutrality Act.

25 "B (8): On October 9, 1941 the President

1 asked Congress to modify the Neutrality Act."

2 "B (9) The Congress passed, and the Pres-
3 ident approved on November 17, 1941, a joint resolu-
4 tion repealing sections 2, 3, and 6 of the Neutral-
5 ity Act of 1939, thereby permitting United States
6 vessels to be armed and to carry cargoes to bellig-
7 erent ports anywhere."

8 We offer in evidence defense document
9 1500-E-5, which is a telegram sent to Honorable
10 Laughlin Currie by Honorable Lattimore, dated Novem-
11 ber 25, 1941, with respect to the effect of the
12 loosening of economic pressure or unfreezing as
13 viewed by the Chinese. This document also contains
14 a copy of a message transmitted to Secretary Stimson
15 under cover of the aforementioned letter relating to
16 the same subject.

17 THE PRESIDENT: Mr. Comyns-Carr.

18 MR. COMYNS CARR: May it please the Tribunal,
19 the prosecution objects to this document and, in our
20 submission, it requires rather careful consideration.
21 This is a document communicating privately to the
22 United States Government the opinion of General
23 Chiang Kai Shek and the United States Government
24 as to the effect which would be produced if the
25 freezing of assets embargo were relaxed in the end

1 of November, 1941. It is a document which only came
2 to public knowledge in the course of the Pearl Harbor
3 inquiry after the end of the war. Now, as I under-
4 stand it, this,-- the whole of this case which is
5 being presented by the defense in this part of their
6 case, is that the accused or some of them were just-
7 ified in initiating military operations on December
8 7th to 8th, by reason of an honest and reasonable
9 opinion that they were acting in self-defense, and
10 they are presenting materials for the purpose of
11 showing the reasons on which that opinion is alleged
12 to have been based. Obviously, something which could
13 only have come to their knowledge after the war was
14 over could have formed no part of the materials upon
15 which such a view was based if, in fact, such a view
16 ever existed. Therefore, this and a pretty large
17 number of other documents which they have served upon
18 us, which come into the same category, namely, docu-
19 ments disclosed for the first time in the Pearl Harbor
20 inquiry, cannot be admissible on the only ground which,
21 so far as we can see, could possibly be suggested,
22 namely, that they form a part of the material upon
23 which the accused acted when they considered -- if
24 they did -- that they were acting in self-defense, or,
25 ~~in the alternative way in which it has been put, under~~

1 provocation. That being so, in our submission, some
2 other ground must be discovered for admitting this
3 and the huge number of other documents which are
4 about to be tendered; that is to say, it must be
5 shown that the mere sending of these documents secret-
6 ly between the countries of China and the United
7 States, although unknown to the accused at the time,
8 is a fact material in itself. That, in our submiss-
9 ion, can only be the case if there were some issue
10 before this Tribunal as to the propriety of the
11 conduct of either China or the United States in
12 this matter; that is to say, if you were trying
13 the statesmen of those countries instead of these
14 Japanese accused. You are not. There is no such
15 issue, and, as I understand it, the defense have
16 themselves repeatedly repudiated any intention
17 to raise any such issue. In our submission, there-
18 fore, there is no basis whatever for the admissibil-
19 ity of this document. We have stated the objection
20 to this document rather fully because it will --
21 the same reasoning will apply to a very large
22 number of others.
23
24
25

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20 to this document rather fully because it will --
21 the same reasoning will apply to a very large
22 number of others.
23
24
25

THE PRESIDENT: Mr. Logan.

1 MR. LOGAN: With regard to this particular
2 document, I see nothing on it which says that it is
3 either private or secret as claimed by the prosecu-
4 tion. I would like to explain just why we are offer-
5 ing this type of evidence. I am afraid the prosecu-
6 tion has confused the reasons why this evidence is
7 being offered. They are of two types, not one type.
8

9 In the first place, there were certain
10 acts committed by the Allied Powers of which the
11 Japanese had knowledge and which we will show later
12 on in the presentation of this evidence. Those acts
13 are being presented for the purpose of showing that
14 the Japanese Government realized the economic and
15 military encirclement which was being conducted by the
16 Allied Powers against it, and the acts which they per-
17 formed after finding out this information and knowing
18 its effect goes to the defense we are trying to prove
19 here. All that evidence goes to acts which took
20 place at the time and which the Japanese Government
21 knew were occurring at that time.

22 The second type of evidence is the type
23 being offered at the present time, that is, acts
24 which occurred of which perhaps the Japanese Govern-
25 ment had no knowledge of at the time they occurred,

1 and not perhaps discovered by the Japanese Government
2 after the war, as my friend suggests. But even if
3 the Japanese Government didn't know that these par-
4 ticular acts were taking place such as revealed in
5 this particular document, they did know the effect of
6 those acts. They did know that in late November,
7 1941, there was an attempt to enforce these orders,
8 but perhaps they didn't know who was conspiring to
9 see that they were not unfrozen.

10 This type of evidence tends to show that
11 there was a conspiracy against Japan by these coun-
12 tries to continue the economic and military pressure
13 which was being applied to her at that time.

14 THE PRESIDENT: I think you said earlier
15 that the arms and other commodities on which the em-
16 bargo was placed were acquired for use in China. The
17 prosecution did not contest that. This is merely con-
18 firmation of it and it seems to me to be redundant,
19 most of it at least.

20 MR. LOGAN: That was not my contention.
21 Perhaps there is a misunderstanding. I said --

22 THE PRESIDENT: The embargo was intended to
23 help China. I understood that to be common ground.
24 Here is the Chinese President saying it is indispen-
25 sable to China to continue it. I am afraid the

1 Tribunal will be inundated with documents about
2 matters which are not contested.

3 MR. LOGAN: The fact that the prosecution
4 objects to this document shows that it is contested,
5 your Honor -- the conspiracy against Japan. Per-
6 haps I should explain a little more fully, because
7 I don't want the Tribunal to be under a misapprehen-
8 sion.

9 It was my contention last week, and it still
10 is today, that these embargoes and freezing orders
11 not only choked off any possible materials which might
12 go into a war effort, but they also choked off Japan-
13 ese industrial life.

14 THE PRESIDENT: The document deals only with
15 Chiang Kai Shek's attitude toward the embargo.

16 MR. LOGAN: It is his protest, it is true,
17 your Honor, but at that time there was an effort be-
18 ing made to lift those embargoes. This not only shows
19 that China but also the United States and Great Brit-
20 ain were vitally interested in that matter too, and
21 the effect of those embargoes constitute the facts
22 upon which the Japanese Government formed its opinion.
23

24 THE PRESIDENT: On my casting vote the objec-
25 tion is upheld and the document rejected.

1 MR. LOGAN: We offer in evidence defense
2 document 1400-F-3, which is a memorandum of a conver-
3 sation dated December 2, 1941, excerpted from Foreign
4 Relations of the United States. This memorandum is
5 signed by Joseph W. Ballantine and relates his conver-
6 sation with the Japanese Ambassador regarding the
7 economic pressure exerted against Japan.

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please the Tribu-
10 nal, apart from being irrelevant, this document is
11 redundant. It is merely another protest about embar-
12 goes and adds nothing to the determination of the
13 issues. It will be observed that the protest was
14 made after the decision had been made to attack at
15 Pearl Harbor on the 7th of December.

16 MR. LOGAN: This memorandum was in Washing-
17 ton on December 2, and there is no evidence by the
18 Ambassador there that he knew of the decision of
19 December 1 at that time. This shows further protest
20 the same as the previous one admitted this morning.

21 THE PRESIDENT: By a majority the Court
22 upholds the objection and rejects the document.
23
24
25

1 MR. LOGAN: We offer in evidence defense
2 document 1400-G-3, being a memorandum of the conver-
3 sation between the Japanese Ambassador and Joseph W.
4 Ballantine dated December 5, 1941. In this memorandum
5 the Japanese Ambassador reports the alarm of the
6 Japanese over the increasing naval and military prep-
7 arations of the ABCD powers in the Southwest Pacific.

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please the
10 Tribunal, the prosecution object to this document on
11 the same grounds as the previous one. It is dated,
12 it will be observed, the 5th of December 1941 and it
13 does not deal with economic embargoes specifically
14 but it deals with the alleged war preparations.

15 MR. LOGAN: I will withdraw that at this
16 time and present it later at the end of the military
17 phase.

18 We now offer in evidence document 2007 which
19 is an excerpt processed by the prosecution for the
20 defense, being certain excerpts from the testimony of
21 Honorable Cordell Hull given at a hearing held before
22 the Joint Congressional Committee on the investigation
23 of the Pearl Harbor attack. We propose at this time
24 to read excerpts appearing on pages 1, 2, and the
25 first three paragraphs on page 3 dealing with

1 Secretary Hull's testimony regarding embargoes, aid
2 to China, armament of the United States and procure-
3 ment of natural resources in the Southwest Pacific by
4 Japan.

5 THE PRESIDENT: Brigadier Quilliam.

6 BRIGADIER QUILLIAM: May it please the
7 Tribunal, this document and particularly the parts
8 that are proposed to be read is merely a repetition
9 of evidence which has been presented in more than one
10 form to the Tribunal. This is part of the evidence
11 of Mr. Cordell Hull at the Pearl Harbor Inquiry in
12 which he reviews what took place over the years. The
13 whole of it has been submitted, as I say, in more than
14 one form before and it can have no greater value be-
15 cause it happens to be in this instance the extract
16 from the evidence given before the Pearl Harbor
17 Committee.

18 THE PRESIDENT: Do you admit, Brigadier
19 Quilliam, that Mr. Hull said all the things that
20 appear in the document about to be discussed?

21 BRIGADIER QUILLIAM: May it please the
22 Tribunal, I have not actually checked these state-
23 ments with the original report but I have no doubt
24 that it is an accurate copy.

25 THE PRESIDENT: I understood you to say,

1 Brigadier, that all the things that appear in this
2 document just tendered appear in the evidence already
3 in some form or other. If that is so, we do not need
4 this document. We are trying to save time and material.

5 BRIGADIER QUILLIAM: May it please the Tribunal,
6 although we have a copy of this document it has not
7 been served on the prosecution at all, but even a
8 cursory perusal will show that all the matters that
9 are referred to are all matters that have actually been
10 dealt with before the Tribunal. In particular--

11 THE PRESIDENT: We do not want them twice.

12 BRIGADIER QUILLIAM: In particular, they are
13 included in Mr. Ballantine's evidence necessarily
14 excepting, of course, where this document contains
15 the opinions and views of Mr. Cordell Hull, which we
16 submit are objectionable anyhow.

17 MR. LOGAN: I only intended to read the first
18 two and a half pages of this but the length of it, of
19 course, is no reason to exclude it. But this document
20 was processed by the prosecution for the defense. They
21 took the choice parts of Secretary of State Hull's
22 testimony out of that book and presented it to the
23 Tribunal and left out those portions that we consider
24 favorable to the defense. In other words, they pre-
25 sented only a one-sided story for the Tribunal's

1 consideration. We want to present all the facts, the
2 reasons behind Secretary of State Cordell Hull's
3 action.

4 Secondly, the Tribunal will recall that the
5 defense objected strenuously to Mr. Ballantine, who
6 came here and used a great deal of Secretary of State
7 Cordell Hull's testimony and did not advise the Court
8 where he got his statement. So the prosecution got
9 Secretary Hull's testimony in twice, one, by the
10 excerpts from this book and, second, through Mr.
11 Ballantine. We complained again when Mr. Ballantine
12 testified that he too was omitting the favorable
13 portion of Secretary of State Cordell Hull's testimony,
14 so we are offering these portions of Honorable Cordell
15 Hull's testimony to fill in the gap so that the Tribunal
16 will get a complete picture of his reasoning.

17 THE PRESIDENT: Whom are we to believe, you
18 or Brigadier Quilliam? He says it is all in in some
19 form; you say it is not. How can we decide?

20 MR. LOGAN: I will say this, if the Tribunal
21 please, that this evidence, this particular piece of
22 evidence, has never been offered before.

23 BRIGADIER QUILLIAM: May it please the
24 Tribunal, as a quick way of testing the accuracy of
25 Mr. Logan's remark, may I refer the Tribunal to the

1 bottom of page 2? That refers to the freezing of
2 Chinese and Japanese assets. If the Tribunal wants
3 to know once more that that happened then, of course,
4 this document should be submitted.

5 THE PRESIDENT: It seems to me you are only
6 flooding us with words about matters that are not
7 contested.

8 MR. LOGAN: If the Tribunal please, at the
9 time we requested these documents be excerpted we were
10 told at that time that we could read any portion that
11 the prosecution had omitted. They processed this docu-
12 ment for us. We want to read it. It has never been
13 offered before and out of two and a half pages that I
14 would like to read the prosecution only points to
15 about six lines which they say is in evidence before.
16 Certainly we are entitled to have Secretary Hull's
17 testimony wherein he sets forth the reasons why certain
18 acts were done and compare that with other testimony
19 which has been offered.

20 BRIGADIER QUILLIAM: May it please the Tribunal,
21 I did only point to one because I thought that would
22 be a useful illustration, but if we take the first
23 paragraph dealing with the decision not to put the
24 Neutrality Act into operation, evidence has been given
25 about that. The determination that the Treaty of

1 Commerce and Navigation in 1939 is another matter about
2 which there has been a wealth of evidence. That is in
3 the next paragraph.

4 THE PRESIDENT: By a majority the Court
5 overrules the objection and admits the document but
6 we do ask you to read only what is absolutely necessary
7 from your viewpoint.

8 CLERK OF THE COURT: Defense document 2007
9 will receive exhibit No. 2840.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 2840 and received in evidence.)

13 MR. LOGAN: I shall read exhibit 2840. I
14 shall omit the first paragraph.

15 The second paragraph: "On July 26, 1939
16 our Government notified the Japanese Government of
17 its desire to terminate the Treaty of Commerce and
18 Navigation of 1911. It was felt that this treaty was
19 not affording adequate protection to American commerce
20 either in Japan or in Japanese occupied portions of
21 China, while at the same time the operation of the
22 most-favored-nation clause of the treaty was a bar to
23 the adoption of retaliatory measures against Japanese
24 commerce. The treaty therefore terminated on January
25 26, 1940, and the legal obstacle to our placing

1 restrictions upon trade with Japan was thus removed.

2 "Beginning in 1938 our Government placed in
3 effect so-called 'moral embargoes' which were adopted
4 on the basis of humanitarian considerations. Following
5 the passage of the Act of July 2, 1940 restrictions
6 were imposed in the interests of national defense on
7 an ever-increasing list of exports of strategic mater-
8 ials. These measures were intended also as deterrents
9 and expressions of our opposition to Japan's course of
10 aggression.

11 "Throughout this period the United States
12 increasingly followed a policy of extending all feas-
13 ible assistance and encouragement to China. This
14 took several different forms, including diplomatic
15 actions in protest of Japan's aggression against China
16 and of Japan's violation of American rights. Loans
17 and credits aggregating some two hundred million
18 dollars were extended in order to bolster China's
19 economic structure and to facilitate the acquisition
20 by China of supplies. And later lend-lease and other
21 military supplies were sent to be used in China's re-
22 sistance against Japan.

23
24 "During these years we had kept before the
25 Japanese all these doctrines and principles in the
most tactful and earnest manner possible, and at all

1 times we had been careful not to make threats. I said
2 that I had always felt that if a government makes a
3 threat it ought to be ready to back it up. We had been
4 forthright but we had been as tactful as possible.

5 "We had in mind doing everything we could to
6 bring about a peaceful, fair and stabilizing settlement
7 of the situation throughout the Pacific area. Such a
8 course was in accordance with the traditional attitudes
9 and beliefs of the American people. Moreover, the
10 President and I constantly had very much in mind the
11 advice of our highest military authorities who kept
12 emphasizing to us the imperative need of having time to
13 build up preparations for defense vital not only to the
14 United States but to many other countries resisting
15 aggression. Our decision to enter into the conversa-
16 tions with the Japanese was, therefore, in line with
17 our need to rearm for self-defense.

18 "The President and I fully realized that the
19 Japanese Government could not, even if it wished,
20 bring about an abrupt transformation in Japan's course
21 of aggression. We realized that so much was involved
22 in a reconstruction of Japan's position that implementa-
23 tion to any substantial extent by Japan of promises to
24 adopt peaceful courses would require a long time. We
25 were, therefore, prepared to be patient in an endeavor

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2 that I had always felt that if a government makes a
3 threat it ought to be ready to back it up. We had been
4 forthright but we had been as tactful as possible.

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11 advice of our highest military authorities who kept
12 emphasizing to us the imperative need of having time to
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15 aggression. Our decision to enter into the conversa-
16 tions with the Japanese was, therefore, in line with
17 our need to rearm for self-defense.

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19 Japanese Government could not, even if it wished,
20 bring about an abrupt transformation in Japan's course
21 of aggression. We realized that so much was involved
22 in a reconstruction of Japan's position that implementa-
23 tion to any substantial extent by Japan of promises to
24 adopt peaceful courses would require a long time. We
25 were, therefore, prepared to be patient in an endeavor

1 to persuade Japan to turn from her course of aggres-
2 sion. We carried no chip on our shoulder, but we were
3 determined to stand by a basic position, built on
4 fundamental principles which we applied not only to
5 Japan but to all countries.

6 "Accordingly, on July 26, 1941, President
7 Roosevelt issued an executive order freezing Chinese
8 and Japanese assets in the United States. That order
9 brought under the control of the Government all fin-
10 ancial and import and export trade transactions in
11 which Chinese or Japanese interests were involved.
12 The effect of this was to bring about very soon virtual
13 cessation of trade between the United States and Japan.

14 "On August 6 the Japanese Ambassador presented
15 a proposal which he said was intended to be responsive
16 to the President's proposal regarding neutralization
17 of Indo-China. In essence, the Japanese proposal was
18 that:

19 "1. The Japanese Government should undertake
20 to refrain from stationing troops in regions of the
21 Southwest Pacific, to withdraw from French Indo-China
22 after 'settlement of the China incident,' to guarantee
23 Philippine neutrality, and to cooperate in the produc-
24 tion and procurement of natural resources in East Asia
25 essential to the United States; and

1 "2. The United States should undertake
2 to 'suspend its military measures in the Southwestern
3 Pacific areas' and to recommend similar action to the
4 Governments of the Netherlands and Great Britain, to
5 cooperate in the production and procurement of natural
6 resources in the Southwestern Pacific essential to
7 Japan, to take measures to restore normal commerce
8 between the United States and Japan, to extend its
9 good offices toward bringing about direct negotiations
10 between Japan and the Chungking Government, and to
11 recognize Japan's special position in Indo-China even
12 after withdrawal of Japanese troops."

I now call the witness, ISHIBASHI, Tansan.

T A N S A N I S H I B A S H I, called as a
witness on behalf of the defense, being first
duly sworn, testified through Japanese inter-
preters as follows:

DIRECT EXAMINATION

BY MR. LOGAN:

Q Will you tell the Tribunal your name and
address?

A My name is ISHIBASHI, Tansan. My address
is Tokyo-to, 810 Shirai 3-Chome, Edogawa-ku, Tokyo.

Q Will you examine this document 1762 and
exhibits attached thereto which is now being handed
to you by Captain Van Meter, and tell us if that is
your affidavit?

A This affidavit was written by me.

Q Are the statements therein contained accurate
and true?

A Yes.

MR. LOGAN: I offer in evidence defense
document 1762 and the exhibits attached thereto.

THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal,
the prosecution objects to the whole of this

1 affidavit which consists of twenty-seven pages of
2 affidavit and twenty-three pages of exhibits, fifty
3 in all. Every word of it, in our submission, is
4 irrelevant and deals with matters which have al-
5 ready been ruled by this Tribunal to be irrelevant.

6 After devoting no less than four pages to
7 his career, chiefly as a journalist, the witness
8 proceeds to a section about overpopulation and food
9 shortage in Japan --

10 THE PRESIDENT: Both of which are conceded.

11 MR. COMYNS CARR. Both of which are con-
12 ceded. And the Tribunal has rejected documents
13 further elaborating that matter already.

14 The next section deals with steps taken by
15 Japan for coping with the above-mentioned diffi-
16 culties and in addition to a speech by President
17 Truman in 1947 which is solemnly exhibited to the
18 affidavit, there are twenty-odd pages of statistics
19 exhibited and also summarized in the affidavit,
20 relating to the agricultural and industrial history
21 of Japan from 1882 onwards.

22 Then there is a section dealing with the
23 growth of trade in Japan from very early times,
24 1899 onwards.
25

1 Then there is a section dealing with what
2 is called foreign pressure on Japanese goods, which
3 merely goes country by country into the tariff
4 history of the past thirty years, which the Tribunal
5 has already ruled to be irrelevant.

6 THE PRESIDENT: The question is, if you
7 are short of goods can you help yourself to your
8 neighbors'? No doubt Japan was short of food, short
9 of territory, and the question is, did that justify
10 resort to war? That is another question.

11 MR. COMYNS CARR: The affidavit ends up by
12 saying that after the conclusion of the Tripartite
13 Alliance, the situation rapidly grew worse. Down
14 to that point, the affidavit has been dealing wholly
15 with general industrial and agricultural history,
16 and that last page merely summarized what we have had
17 over and over again about the freezing of assets,
18 and so on.

19 In our submission, the tendering of such an
20 affidavit shows a disrespect to the views repeatedly
21 expressed by this Tribunal.

22 THE PRESIDENT: Mr. Logan.

23 MR. LOGAN: If the Tribunal please, the
24 history of Mr. ISHIBASHI shows he is an expert
25

1 economist, not a journalist. The length of his
2 affidavit is no grounds for objection that I know
3 of, and we have tried to oppose in twenty pages what
4 Liebert took over 100 pages of his own testimony
5 irrespective of the charts that were submitted.
6 I do not intend to read the charts. They were put
7 in the affidavit in accordance with the Tribunal's
8 ruling that the source of our information must be
9 shown when reports are referred to.

10 The entire affidavit is offered for the
11 purpose of showing that Liebert's testimony and the
12 claims made by the prosecution that Japan was pre-
13 paring for an aggressive war are without fact.

14 The purpose of this affidavit is not directed to
15 the issue raised by Mr. President as to whether or
16 not when a country is short of goods it should help
17 itself to its neighbors'. It is directed to show that
18 the industrialization of Japan was not for the
19 purpose of waging, planning, an aggressive war.
20 Its background has been laid to show the necessity
21 for industrialization, and the facts and figures
22 clearly show that the civilian economy of Japan was
23 dependent on this industrialization. It was not
24 evolved for any purpose of planning or preparing
25

1 for an aggressive war.

2 The facts and figures presented in this
3 affidavit show a picture that Japanese civilian
4 economy was going along and progressing in a
5 normal way, and that there was no preparation for
6 aggressive war in its industrialization as
7 claimed by the prosecution. In other words, the
8 prosecution tried to paint a picture that certain
9 plants which might or which were being used for
10 creation of munitions of war, when they increased
11 rapidly, they drew the conclusion that it was pre-
12 preparation for aggressive war. These facts and figures
13 show that industrial economy increased at the same
14 time. This entire industrial picture as presented
15 here will, I am sure, show that there was absolutely
16 no planning and preparation for aggressive war, as
17 claimed by the prosecution. It is directly in issue.

18 We also show by this affidavit the effect
19 of the economic pressure on Japan, which goes to
20 our affirmative defense. In other words, the out-
21 side pressure is brought right home in this affi-
22 davit as to the effect it had on Japanese, not only
23 civilian economy, but all types of economy.

24 With respect to President Truman's speech,
25 that has been offered, as I understand it, to bear

1 out the reasons and the circumstances which are
2 the same today as they were at that time.

3 We have endeavored through this affidavit
4 to comply with the Tribunal's wishes, and we do not
5 try deliberately to do something which the Tribunal
6 does not want us to do, as my friend claims, but
7 the Tribunal suggested that instead of getting
8 authors, to bring a witness here who knows the facts,
9 and present them. Here he is.

10 THE PRESIDENT: By a majority, the Court
11 sustains the objection and rejects the document.

12 We will recess for fifteen minutes.

13 (Whereupon, at 1050, a recess was
14 taken until 1105, after which the proceedings
15 were resumed as follows:)
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2 the same today as they were at that time.

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4 to comply with the Tribunal's wishes, and we do not
5 try deliberately to do something which the Tribunal
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14 taken until 1105, after which the proceedings
15 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If the Tribunal please, I realize
5 it is difficult for the President to know the reasons
6 why the other Members of the Tribunal vote on
7 admissibility of a piece of evidence. But I wonder
8 if we could have some indication as to why this last
9 document was rejected, because we view this document
10 with great importance as completely answering Liebert's
11 testimony.

12 THE PRESIDENT: Well, I gave you my
13 reasons. I think I can safely say for the majority
14 of my colleagues they held the view that the document
15 was either irrelevant or redundant. One, at least, so
16 expressed himself.

17 MR. LOGAN: We had presented the facts, if
18 the Tribunal please, with regard to the development
19 of industrialization in Japan and the outside pressure,
20 and this was the effect of the pressure on Japan, and
21 also to show that the industrialization was not for
22 preparation for war, as prosecution contends, and it
23 directly answers Liebert's testimony on all the points
24 raised in the affidavit. In other words--
25

THE PRESIDENT: Japan's industrialization is

1 notorious, a matter of common knowledge, and the
2 affidavit disclosed no more. The purpose of it may have
3 been, of course, innocent to some extent. You can only
4 judge the purpose by the use to which it is put
5 eventually. The need for industrialization here in
6 Japan was clear. All these things need not be proved.
7 We know them all. They appear already in the prosecu-
8 tion's evidence to a sufficient extent.

9 MR. LOGAN: We did not intend by this affi-
10 davit to go into the question of the use to which it
11 was put. It was to answer Liebert's contention, that
12 there was no preparation for waging aggressive war, as
13 he contended. Also--

14 THE PRESIDENT: The debate is closed.

15 BY MR. LOGAN (Continuing):

16 Q Mr. ISHIBASHI, will you examine defense docu-
17 ment 1762-A which is now being handed to you by the
18 clerk, and tell us whether or not that is your affidavit?

19 A This affidavit was written by me.

20 Q And are the statements contained therein
21 accurate and true?

22 A Yes.

23 MR. LOGAN: I offer in evidence defense
24 document 1762-A.

25 THE PRESIDENT: There is no objection. It is

admitted on the usual terms.

CLERK OF THE COURT: Defense document 1762-A, with appendices numbered 18, 19 and 20, will receive exhibit No. 2841.

(Whereupon, the document above referred to was marked defense exhibit No. 2841 and received in evidence.)

MR. LOGAN: Exhibit 2841, affidavit of ISHIBASHI, Tanzan:

"Japan's Finance and War Expenditures.

"Japan experienced an era--"

Before I read this, may the Court take judicial notice of Mr. ISHIBASHI's qualifications as contained in the previous affidavit?

THE PRESIDENT: Let him state now what they are, Mr. Logan.

MR. LOGAN: Perhaps I could read them much faster.

"I, ISHIBASHI, Tanzan, was born in Tokyo in September, 1884, graduated in 1907 from WASEDA University, majoring in philosophy in the department of literature, and immediately took a post-graduate course in philosophy in the same university.

"In 1908 I obtained a position on the editorial staff of THE TOKYO MAINICHI NEWSPAPER PUBLISHING

1 COMPANY.

2 "In 1911 I secured a position on the editorial
3 staff of THE TOYO KEIZAI SHINPO PUBLISHING COMPANY.
4 This publishing company was established in 1895 for
5 the purpose of supplying the educated classes of the
6 Japanese people with correct knowledge of economics
7 and up-to-date information on world topics. It has
8 since devoted itself to the publication of economic
9 periodicals such as THE TOYO KEIZAI SHINPO (Oriental
10 Economic Reports)(weekly), THE ORIENTAL ECONOMIST
11 (monthly, later weekly), NIHON KEIZAI NENPO (Japan's
12 Yearly Economic Reporters) (quarterly), GAIKOKU BOEKI
13 GEPPPO (Foreign Trade Monthly), etc., and also of books
14 on economic subjects, as well as the compilation
15 and publication of statistical books such as Meiji and
16 Taisho Japan Almanac (1927), Foreign Trade of Japan, a
17 statistical survey (1935), Meiji and Taisho Financial
18 Almanac (1927) and Toyo Keizai Statistical Yearbook
19 (from 1916 yearly). THE TOYO KEIZAI SHINPO (Oriental
20 Economic Reports) was started in 1895 after the style
21 of THE ECONOMIST published in London. It is the oldest
22 economic periodical in Japan and has, ever since its
23 foundation, been regarded as the best and most trust-
24 worthy of periodicals in the industrial and economic
25 world of Japan.

1 "In 1914 I became the Chief of the editorial
2 staff of the same publishing company, and in 1924
3 manager of the same company. In 1925, after the
4 reorganization of the company I became its president.
5 For 34 years I had been most closely connected with
6 the editing of the aforesaid TOYO KEIZAI SHINPO
7 (Oriental Economic Reports), until May, 1946.

8 "In July, 1931, I had the Keizai Club
9 (Economic Club) organized in Tokyo and then in Osaka,
10 Nagaya, and various other cities throughout the
11 country, by getting together the leading businessmen
12 of each city for the purpose of their joint study of
13 economic questions. As chairman of the board of
14 directors of the central Economic Club, I took the
15 leadership of these clubs.

16 "From April 1925 to July 1932" -- there is
17 a translation error there -- "I lecture on economics
18 at the YOKOHAMA KOGYO SENMON GAKKO (Yokohama Indus-
19 trial College).

20 "In June 1943 I founded the KINYU GAKKAI
21 (Financial Institute), as an organ for financiers and
22 technical experts of the country to study financial
23 questions. Its headquarters were in the office and
24 building of the TOYO KEIZAI SHINPO PUBLISHING COMPANY
25 and as acting director of the Institute, I devoted

myself to the leadership and promotion of its activity.

1 "In 1934, I started an English Magazine,
2 THE ORIENTAL ECONOMIST, of which I became editor-in-
3 chief. This magazine portrayed the economic condi-
4 tions of Japan as well as of the East in general.
5 The magazine soon obtained many appreciative readers
6 abroad who considered it as the most fair-minded and
7 trustworthy economic magazine published in Japan. Even
8 after the outbreak of the Pacific War in 1941, and
9 consequent stoppage of communications with the Western
10 countries, it was, by the request of the League of
11 Nations, continuously forwarded to Geneva.
12

13 "Since 1935, representing the financial
14 circles of Japan, I have held 21 different memberships
15 in various committees and councils in the cabinet,
16 Finance Office, and Commerce and Industry Office of
17 the Japanese Government.

18 "In May, 1946, I was appointed Finance
19 Minister in the YOSHIDA cabinet. In January, 1947, I
20 was appointed managing head of the Economic Stabili-
21 zation Office and head of the Prices Board, and on
22 March 20, 1947, resigned from the same offices. On
23 the resignation en bloc of the YOSHIDA Cabinet on
24 May 24, 1947, I resigned from the office of Finance
25 Minister."

ISHIBASHI

DIRECT

25,425

1 I shall not read the essays and various
2 publications.

1 Now, reverting to exhibit 2841, "Japan's
2 Finance and War Expenditures."

3 "1. Japan experienced an era of severe
4 deflation from 1929 to 1931, which was due to the
5 policy deliberately adopted by the Government for the
6 purpose of restoring the gold standard. For this
7 purpose, the Government since 1929 did everything in
8 its power to cut down financial expenditures. The
9 expenditure of ¥1,815,000,000 for the fiscal year
10 of 1928 was reduced to ¥1,477,000,000 in 1931.
11 (Appendix table No. 18). The Japanese Government
12 intended by this policy to reduce prices of commodi-
13 ties in Japan in order to cope with the depression
14 that had been prevailing throughout the world at that
15 time, and thus to make Japan's foreign trade properly
16 balanced.

17 "The policy mentioned above, however, pre-
18 cipitated Japan's economy into extreme difficulties
19 and gave rise to political dangers. Moreover, with
20 the suspension of the gold standard in Great Britain
21 in September 1931 it became clear that Japan also
22 could no longer continue the deflation policy. Con-
23 sequently, in December of the same year, the cabinet
24 was changed and the new cabinet (The INUKAI cabinet)
25 immediately suspended the gold standard and attempted

1 to make a new departure from the old policy.

2 "The policy which which was followed by the
3 new cabinet after 1932 was the so-called 'reflation
4 policy.' The term 'reflation,' however, being un-
5 familiar to the general public at that time, it was
6 called an inflation policy. The Government increased
7 financial expenditures beginning with the fiscal year
8 1932 and encouraged more demand for goods and labor, and
9 thus tried to put into actual practice the so-called
10 'full employment.' On account of this policy, prices
11 of commodities within the country rose and the business
12 conditions improved. Moreover, as the government per-
13 mitted simultaneously a fall of the exchange rate of
14 the yen to a certain extent, the export of Japanese
15 goods was made easier and again this brought about
16 greater demand for goods and labor.

17
18 "The expenditures of the Japanese Government,
19 as described above, decreased from the fiscal year of
20 1929 to that of 1931, but by the foregoing policy, they
21 started to increase after the 1932 fiscal year. In
22 other words, according to Table 18, the total of the
23 expenditures which were ¥1,477,000,000 in 1931, rapidly
24 increased since 1932 and expanded to ¥2,255,000,000 in
25 1933. Since then, however, up to 1936, i. e., the year
before the outbreak of the China Incident,

1 there was hardly any increase in the expenditures
2 but even some decrease was witnessed both in 1934 and
3 1935. This was because the objective of this 'reflation'
4 had been sufficiently accomplished by the financial
5 expansion to this extent. At the same time, the
6 fact that the expansion of the financial expenditure
7 had been checked since 1934 indicates that the Japanese
8 Government at that time expected to maintain the peace-
9 ful relation with other countries. And the fact that
10 the extent of the financial expansion during the eight
11 years from 1920 to 1928 was ¥455,000,000 (35.5%), as
12 against almost the equal amount of ¥467,000,000 (25.7%)
13 for the eight years from 1928 to 1936, shows that it
14 was no abnormal phenomenon but was aimed at 'reflation.'

15 "However, a complete change was brought about
16 in the financial state of affairs in Japan after July
17 1937 with the outbreak of hostilities with China. It
18 no longer aimed at 'reflation,' but entered completely
19 into a state of de facto war. The Emergency Military
20 Special Account was established, and the financial
21 expenditures rapidly expanded.

22 "2. Reviewing the shift of Japan's military
23 expenditures, as shown in Table 19, it can be seen
24 that these totaled ¥731,000,000 in the fiscal year of
25 1921, decreased annually until it dropped to ¥434,000,000

1 in the 1926 fiscal year. There was then a little
2 increase and yet the figure for the fiscal year of
3 1931 was no more than ¥455,000,000 which was far below
4 the sum for the 1921 fiscal year. It was in 1921 that
5 the Naval Disarmament Conference was held in Washington,
6 and, in addition a deflation policy was followed after
7 1929, all of which contributed to the reduction of
8 military expenditures.

9 "Indeed, those ten years were the era of
10 disarmament. This fact was shown very clearly in the
11 reduction of the extraordinary expenditures of the
12 Army and Navy because the replenishment or the expansion
13 of armaments could depend only on these extraordinary
14 expenditures. As shown in table 19, the Army extra-
15 ordinary expenditures decreased year by year from 120
16 million yen in the 1919 fiscal year to only 27 million
17 yen in the 1924 fiscal year. It increased a little
18 thereafter; however, it again dropped down to 26
19 million yen in the 1930 fiscal year. The Navy extra-
20 ordinary expenditures, which were 343 million yen for
21 the fiscal year of 1921, rapidly decreased after the
22 next year, and dropped down to only 107 million yen for
23 the fiscal year of 1925. It showed a slight increase
24 thereafter, however, started to decrease again after
25 the 1928 fiscal year, dropping down to only 88 million

1 yen for the fiscal year 1931.

2 "It was in September of 1931, when the
3 Manchurian Incident occurred, but it should be noticed
4 that both the Army and the Navy extraordinary expendi-
5 tures for the fiscal year of 1931 were smaller in
6 amount than those for 1928. In the total of the Army
7 and Navy expenditures as shown in table 19, it was
8 517 and 495 million yen, respectively, for the fiscal
9 year of 1928 and 1929, while 455 million yen for the
10 fiscal year of 1931.

11 "Beginning with the 1932 fiscal year and up
12 to 1940, the Army and Navy extraordinary expenditures
13 showed some trend of gradual expansion. However, much
14 increase is not noticeable. As an examination of the
15 figures in table 19 shows, the Army extraordinary ex-
16 penditures increased from 225 million yen in the 1932
17 fiscal year to 319 million yen in the 1936 fiscal year,
18 and that of the navy also expanded from 172 million yen
19 to 331 million within the same period of time. But,
20 in judging this increase of the Army expenditures,
21 expenses for the military movements by the Army in
22 Manchuria within this period should be taken into
23 consideration. The amount of the Navy extraordinary
24 expenditures for the fiscal year of 1936 were 331
25 million yen, a smaller amount than 343 million yen for

1 the 1921 fiscal year. The Army and the Navy extra-
2 ordinary expenditures did not witness a very rapid
3 increase even after the outbreak of the China Incident
4 in 1937. That of the Army increased once in the 1931
5 fiscal year to 431 million yen; however, in the 1938
6 fiscal year it even decreased to 357 million yen,
7 while that of the Navy came up to 764 million yen in
8 the 1940 fiscal year.

9 "3. The Emergency Military Special Account
10 also did not witness a rapid increase until 1940
11 following its establishment in 1937. Reviewing the
12 arms expenses thereof, as shown in table 20, those of
13 the Army went up to 1,829,000,000 yen in the 1938 fiscal
14 year which was the largest amount it attained before
15 the Pacific War and from this decreased to
16 1,347,000,000 yen in the 1940 fiscal year, and that of
17 the Navy showed a decrease in the 1939 fiscal year from
18 668 million yen for the fiscal year of 1938 which was
19 the largest amount it attained before the Pacific War.
20 The latter showed some increase again in the 1940 fiscal
21 year, but only to the extent of 794 million yen.

22 "However, after the 1941 fiscal year the arms
23 expenses for both the Army and the Navy suddenly jumped
24 up to such a great amount as could not be compared to
25 those of 1940. The same great expansion is also

1 indicated by the changes in the total of the military
2 expenditures since 1941, according to table 19. Judging
3 from the above facts, it can be seen how the Army and
4 the Navy of Japan began their armament expansion with
5 the outbreak of the Pacific War in the manner of
6 'after death the doctor.'

7 "On this 29th day of July 1947.

8 "At Asahigaoka, Yamanashi Prefecture."

9 Signed, "ISHIBASHI, Tansan."

10 I would like to have those charts spread in
11 the transcript without reading them, if the Tribunal
12 please.

13 You may examine.

14 THE PRESIDENT: Brigadier Quilliam.

15 BRIGADIER QUILLIAM: May it please the Tribunal,
16 there will be no cross-examination.

17 MR. LOGAN: May the witness be released on the
18 usual terms.

19 THE PRESIDENT: He is released accordingly.

20 (Whereupon, the witness was
21 excused.)
22
23
24
25

1 MR. LOGAN: We next offer defense document
2 401(12). This document shows the expansion in arma-
3 ments undertaken by the United States in its national
4 defense programs of 1933 and 1934.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: If it please the Tribunal,
7 the prosecution objects to the introduction of this
8 document on the ground that it is irrelevant and
9 immaterial. The increase of the Army in 1935 to
10 165,000 enlisted men for defensive purposes and
11 the bringing of the Navy up to the treaty strength
12 in parity with other nations for defensive purposes
13 were acts which the United States had the legal
14 right and duty to perform.

15 It places the prosecution in a peculiar
16 position to object to a document which shows that
17 the action of the United States was for defensive
18 purposes. The same situation will be found to exist
19 with many of the other documents in this section.

20 THE PRESIDENT: The Tribunal cannot say
21 what the purpose was. At this stage, it must hear
22 both sides.

23 MR. TAVENNER: Notwithstanding the fact that
24 this and similar documents did not adversely effect
25 the prosecution, we nevertheless feel that we should

1 object on the ground that it is not directed to a
2 material issue at this point and that to admit it
3 would only prolong the length of this record.

4 THE PRESIDENT: Well, suppose the defense
5 tendered a document -- and they could in a couple
6 of pages -- showing the relative strength of Japan
7 and the Allied Powers, the armies, navies, and air
8 forces, over a period of a year just before the
9 war, what objection would there be to it? They can
10 not show that their own army, navy, and air force
11 was more than sufficient or was not more than suf-
12 ficient unless they show what were the **respective**
13 forces of the other powers.

14 MR. TAVENNER: But to show that the Army
15 of the United States and the Navy was increased for
16 defense purposes could certainly not be directed to
17 any issue in this case.

18 THE PRESIDENT: But, are we to say, "Oh,
19 this American stuff was directed to defense; your
20 Japanese preparations were directed to aggression."
21 We are a Tribunal. We cannot take that stand at
22 this stage. We have to hear all the evidence.

23 MR. TAVENNER: Well, that is proof that the
24 defense offer in this document, that it was for
25 defense purposes.

1 THE PRESIDENT: That is a pet expression,
2 perhaps, that nations employ when they mean something
3 else.

4 The objection is overruled and the document
5 admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 401(12)
7 will receive exhibit No. 2842.

8 (Whereupon, the document above
9 referred to was marked defense document
10 No. 2842 and received in evidence.)

11 MR. LOGAN: I shall read defense exhibit
12 2842, an excerpt from "Peace and War:"

13 "NATIONAL DEFENSE

14 "In 1933 the enlisted strength of the United
15 States Army was 115,000 men. As a result of reduc-
16 tions in governmental expenditures the War Depart-
17 ment appropriation act of March 4, 1933 provided
18 only \$270,000,000 for the military activities of the
19 Army -- a sharp reduction from the amount made avail-
20 able for similar purposes during the previous year.
21 General Douglas MacArthur, Chief of Staff, stated in
22 his annual report of 1933 that successive reductions
23 in appropriations had seriously injured the equipment
24 and training of the Army. He said that the strength
25 of the Army in personnel and equipment and its

1 readiness for employment were 'below the danger line.'

2 "In 1943 General MacArthur recommended a pro-
3 gram of expansion for the Army; the accomplishment of
4 this program, he said, would still leave us far be-
5 hind all other major powers but would at least offer
6 the United States 'a justified assurance in freedom
7 from attack or, at the worst, from extreme conse-
8 quences in the event of attack.'

9 "The War Department appropriation act of
10 April 1935 authorized an increase of the Army to
11 165,000 enlisted men. In his report of 1935 General
12 MacArthur said that measures had been undertaken to
13 procure additional airplanes, motorized vehicles,
14 tanks, and artillery, in most of which the Army's
15 supplies had become obsolete or inadequate.

16 "By 1933 the United States Navy, in up-to-
17 date ships, had fallen far below the tonnage allowed
18 by treaty. In that year President Roosevelt allo-
19 cated funds from the National Industrial Recovery
20 Act for the purpose of constructing and equipping 32
21 naval vessels. The Secretary of the Navy reported
22 in 1933 that no such building program had been under-
23 taken by this country since 1916; that of the signa-
24 tories to the naval treaties we alone had not under-
25 taken an orderly building program designed to bring

1 the Navy up to treaty strength. He recommended an
2 orderly annual naval building and replacement pro-
3 gram which would 'shortly give this country a treaty
4 navy.' He stated that the United States continued to
5 strive for a reduction of armament by agreement but
6 that the time had come when we could no longer afford
7 to lead in disarmament by example. Other powers had
8 not followed such a policy, he said, with the result
9 that the United States found its relative naval
10 strength seriously impaired. He said that our weaken-
11 ed position jeopardized the cause of peace, 'because
12 balanced armament fortifies diplomacy and is an
13 important element in preserving peace and justice,
14 whereas undue weakness invites aggressive, war-breeding
15 violation of one's rights.'

16 "During 1934 the Vinson Naval Bill was en-
17 acted, authorizing the construction of ships up to
18 the limits of the Washington and London Naval Treaties."

19 We offer in evidence defense document 202-P-1
20 an excerpt from John B. Powell's book, "My 25 Years in
21 China," which shows that in 1936 plans were undertaken
22 for the defense of the Philippines.

23 THE PRESIDENT: Mr. Tavenner.

24 MR. TAVENNER: If it please the Tribunal,
25 this document and the succeeding one, 202-P-2, deal

1 with the matter of the defense of the Philippines,
2 and this second document, which I have mentioned,
3 was rejected by the Tribunal at page 18,628 of the
4 transcript. For the same reason, the document now
5 being presented, 202-P-1, should be rejected as
6 irrelevant and immaterial to any issue in this case.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: I believe it is entirely rele-
9 vant for the reason set forth by the President in
10 answer to the objection to the last document.

11 THE PRESIDENT: I shall read this note:
12 It is an absurdity as evidence. It proves nothing
13 and should be rejected -- not a figure in it. Every
14 country takes steps to defend itself.

15 The objection is upheld and the document
16 rejected.
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1 MR. LOGAN: We offer in evidence defense
2 document 202-P-2, an excerpt from John B. Powell's
3 book "My 25 Years in China" which shows the extent
4 of the defense program undertaken for the defense
5 of the Philippines in 1936. I might say that I
6 did not know that this had been previously rejected.
7 It may have been rejected at one time as not material
8 to the particular phase of the case being offered,
9 but it is material to this particular phase of the
10 case.

11 THE PRESIDENT: Mr. Tavenner.

12 MR. TAVENNER: The prosecution submits that
13 there is no better reason for admitting this document
14 now than when it was rejected as previously stated.

15 THE PRESIDENT: The objection is upheld and
16 the document rejected.

17 MR. LOGAN: We next offer in evidence defense
18 document 401(22), a further excerpt from defense
19 document No. 401, the official publication of the
20 United States Government entitled Peace and War. This
21 document shows that the United States armament program
22 in 1937 and 1938 was further expanded in the light
23 of the menacing world conditions at that time and the
24 armament program undertaken by other countries.

25 THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please,
2 the same objection is made to the introduction of
3 this document as to the former one relating to the
4 Philippines.

5 THE PRESIDENT: This comes from a more
6 reliable source.

7 MR. TAVENNER: This document shows that it
8 was the intention to strengthen the naval program
9 for the defense of the United States and the fact
10 that general proposals were made for military and
11 naval rearmament could not justify an attack, aggressive
12 attack by Japan. Unless some aggressive intention and
13 action can be attributed to the United States in this
14 matter, it certainly is irrelevant to any issue in
15 this case. Every country strengthened its national
16 defense just the same as they endeavored to enforce
17 laws in their own country.

18 THE PRESIDENT: The Court overrules the
19 objection and admits the document.

20 CLERK OF THE COURT: Defense document 401(22)
21 will receive exhibit No. 2843.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 2843 and received in evidence.)

25 MR. LOGAN: I read exhibit 2843, an excerpt

1 from "Peace and War."

2 "EUROPEAN CRISIS 1938

3 "United States Rearmament

4 "As 1937 drew to a close the situation in
5 the world became increasingly threatening. The
6 hostilities between China and Japan raged with growing
7 intensity; in Europe, Spain was torn by a civil struggle
8 which threatened to turn into a general continental
9 war. In November 1937 Italy joined Germany and Japan
10 in the Anti-Comintern Pact. Meanwhile, Germany, arming
11 at a feverish pace, was causing grave apprehension
12 as to its intentions toward the European political
13 structure.

14 "During this period there developed considerable
15 public support in the United States for the adoption
16 of a constitutional amendment requiring a popular
17 vote as prerequisite to a declaration of war by the
18 Congress. Both President Roosevelt and Secretary of
19 State Hull at various times expressed their strong
20 opposition to this proposal. On January 6, 1938 the
21 President wrote to the Speaker of the House of
22 Representatives that such an amendment would 'cripple
23 any President in his conduct of our foreign relations'
24 and 'would encourage other nations to believe that
25 they could violate American rights with impunity.'

1 Secretary Hull on January 8 warned that the proposal
2 would impair the ability of the Government to safeguard
3 the peace of the people of the United States. On
4 January 10 the proposal was voted on by the House
5 of Representatives but was rejected by the close vote
6 of 209 to 188.

7 "President Roosevelt recommended to Congress,
8 in a special message of January 28, 1938, the
9 strengthening of our national defense. The President
10 reported with deep regret that armaments were increasing
11 'at an unprecedented and alarming rate'. He called
12 attention to the ominous fact that at least one fourth
13 of the world's population was involved in 'merciless
14 devastating conflict' in spite of the fact that most
15 people in most countries wished to live at peace. As
16 Commander in Chief of the Army and Navy, the President
17 deemed it his constitutional duty to report to the
18 Congress that the national defense of the United States
19 was, in the light of the increasing armaments of other
20 nations, inadequate for purposes of national security
21 and therefore required increase. The President said
22 that 'adequate defense' meant that for the protection
23 not only of our coasts but also of our communities far
24 removed from the coasts, we must keep any potential
25 enemy many hundreds of miles away from our continental

1 limits. We could not assume, he stated, that our
2 defense would be limited to one ocean and one coast
3 and that the others would certainly be safe.

4 'Specifically and solely because of the piling up
5 of additional land and sea armaments in other countries'
6 the President recommended to Congress that authorizations
7 be granted for substantial increases in military and
8 naval armament. Included were recommendations for
9 increasing by 20 percent the existing naval building
10 program and for appropriations to lay down two additional
11 battleships and two additional cruisers during 1938.

12 "The President's proposals for military and
13 naval rearmament were debated in Congress during the
14 spring of 1938. Doubt was expressed in some quarters
15 that the proposed naval increases were really necessary
16 for the defense of the United States, and several Senators
17 and Representatives voiced the suspicion that the
18 contemplated naval increases were based on an agreement
19 for naval cooperation with some other power, such as
20 Great Britain. Secretary of State Hull took cognizance
21 of these ideas in a letter to a member of Congress on
22 February 10, 1938. He stated categorically his opinion
23 that the proposed naval program was needed for the
24 defense of the United States. Referring to the desire
25 of the people and Government of the United States to

1 keep out of war, he said that those who, with a full
2 sense of responsibility, were advocating this program,
3 were doing so in the belief that its adoption would
4 contribute to achieving this desire. Secretary Hull
5 pointed out that the Navy, even with the proposed
6 increases, would not be able to embark upon offensive
7 or aggressive operations overseas.

8 "The secretary also declared that the proposed
9 program did not contemplate naval cooperation with any
10 other power in the world; that the policy of the United
11 States was to avoid both extreme internationalism and
12 extreme isolation; that, while ~~avoiding alliances and~~
13 entangling commitments, it was advisable to confer and
14 exchange information with other governments having
15 common objectives and, when practicable, to proceed
16 on parallel lines. Finally, the Secretary said that if
17 every peaceful nation insisted on remaining aloof
18 from every other peaceful nation and on pursuing a policy
19 of armament limitation without reference to relative
20 armaments, the inevitable consequences would be to
21 encourage and even to assist nations inclined to play
22 lawless roles.

23 "The President's proposals for military and
24 naval rearmament were substantially adopted by the.
25 Congress."

1 We now offer in evidence defense document
2 1500-0-4 which is an excerpt from the testimony of
3 Admiral Ingersoll.

4 This excerpt is offered for the purpose of
5 showing that the United States and Great Britain were
6 discussing potential collaboration in the event of
7 war against Japan as early as December 1937.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,
10 there are two grounds of objection to this document.
11 The first is that successfully asserted with regard
12 to document 1500-E-5, that the matter related to in
13 the document did not come to the attention of the
14 Japanese officials until after the inquiry at Pearl
15 Harbor and, therefore, if offered for the purpose of
16 being an excuse or reason for action by Japan, it could
17 not have had any bearing at the time Japan initiated
18 aggressive warfare.

19 The second ground of objection is that as to
20 the fact that the conference may have established. It
21 is submitted that the fact of such a conference is not
22 relevant or material in view of the purposes stated in
23 the document. For two countries to discuss the
24 possibility of joint action in the event they find
25 themselves in war with the third country would certainly

1 not be relevant to the issues as they are drawn in
2 this case.

3 THE PRESIDENT: I have in mind your evidence
4 showing Japan's preparations for war and Japanese
5 conversations with the Germans and the Italians as
6 to what should be done in the event of a war with a
7 third power. Having admitted that evidence of the
8 prosecution, can we logically exclude the same evidence
9 from the defense, the same kind of evidence?

10 MR. TAVENNER: I think the prosecution showed
11 beyond question the aggressive intention and purposes
12 of Japan in the first instance.

13 THE PRESIDENT: We will tell you what we think
14 about that in our judgment, if necessary.

15 MR. TAVENNER: Now, I do not understand that
16 the defense contend that the United States was guilty
17 of aggressive warfare against Japan or intended to
18 aggressively enter into aggressive warfare with Japan,
19 though that seems to be the heading of the order of
20 proof which is now being presented, but counsel has not
21 stated that in the evidence -- in his statement.

22 THE PRESIDENT: Having given us his order of proof,
23 he assumes, rightly, that we know.

24 By a majority the objection is overruled and
25 the document admitted.

1 CLERK OF THE COURT: Part 9 of the official
2 publication entitled "Pearl Harbor Attack" will receive
3 exhibit No. 2844. for identification only and the
4 excerpt therefrom, bearing defense document No.
5 1500-0-4, will receive exhibit No. 2844-A.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 2844 for identification; the
9 excerpt therefrom being marked exhibit
10 No. 2844-A and received in evidence.)

11 THE PRESIDENT: Read this after lunch, Mr.
12 Logan.

13 We will adjourn until half-past one.

14 (Whereupon, at 1200, a recess was taken.)

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1 THE MARSHAL: The International Military
2 Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If your Honor please, I was
5 reading Exhibit 2844A, excerpts from testimony of
6 Admiral R. E. Ingersoll, February 12, 1946, before
7 the Joint Committee on the Investigation of the
8 Pearl Harbor Attack:

9 "Mr. GEARHART. When did that occur?

10 "Admiral INGERSOLL: Just to show again how
11 memory can trick a person, Admiral Richardson, I read
12 in the paper, had testified that I went to London in
13 1940 when I was Assistant Chief of Naval Operations
14 and when Admiral Stark was Chief of Naval Operations.
15 As a matter of fact, I went in December, very late
16 in December of 1937, when I was Director of the War
17 Plans Division and when Admiral Leahy was Chief of
18 Naval Operations. Admiral Richardson was perfectly
19 sincere in what he said.

20 "Mr. GEARHART: Well, that was pretty early,
21 before events began to develop."
22

23 "Admiral INGERSOLL: There were two purposes.
24 The primary purpose was to investigate and to talk
25 with the British Admiralty officials as to what we

1 could do if the United States and Japan were to find
2 themselves at war with Japan in the Pacific.

3 "Mr. RICHARDSON: United States and England.

4 "Admiral INGERSOLL: United States and
5 England would find themselves at war with Japan in
6 the Pacific, to explore all the means, what means
7 could be used, what arrangements it would be necess-
8 ary to make in regard to command relationships, in
9 regard to communicating with each other, of establish-
10 ing liaison officers and preparing certain codes and
11 ciphers, and so forth."

12
13 "Mr. GEARHART: Were the assumptions upon
14 which these conversations were based that the United
15 States and Britain would be in war together?

16 "Admiral INGERSOLL: The assumption was that
17 the United States and Great Britain might find them-
18 selves both at war with Japan in the Pacific.

19 "Mr. GEARHART: And your purpose in going
20 there was to work out a tentative plan as to how
21 each nation would cooperate with the other in the
22 event that should occur?

23 "Admiral INGERSOLL: That is right, to find
24 out what we could do, what forces we could expect.
25 The British had to be a little bit careful about it

1 because they did not know at that time whether they
2 were going to have, in a year or two, a European war
3 on their hands, and they could not state definitely
4 what forces they could allocate to the Pacific at
5 that time."

6
7 "Mr. GEARHART: Did you go there to discuss
8 Japan or Germany?

9 "Admiral INGERSOLL: Japan only. "
10

11 "Admiral INGERSOLL: As I say, that record
12 of conversations became entirely obsolete when the
13 later agreements in ABC-1 were in effect in 1940 or
14 1941."

15
16 Defense document 401 (23), an excerpt from
17 Peace and War, is offered to show that as early as
18 January, 1939 steps were being taken by the United
19 States to strengthen the defense of Alaska, Hawaii,
20 and the Panama Canal, and for the acquisition of
21 stock piles of certain critical military materials.

22 THE PRESIDENT: Admitted on the usual terms.

23 THE CLERK: Defense Document 401 (23) will
24 receive Exhibit Number 2845.
25

(Whereupon the document above referred
to was marked Exhibit No. 2845 and received in

evidence.)

1 MR. LOGAN: I shall read Exhibit 2845, an
2 excerpt from Peace and War, official publication of
3 the Department of State of the United States of
4 America:

5 "UNITED STATES REARMAMENT.

6 "In his annual message to Congress on Jan-
7 uary 4, 1939, President Roosevelt declared that
8 while a threatened war had been averted, it had
9 become increasingly clear that peace was not assured;
10

11 * * * * *

12 "Eight days later the President, in a spec-
13 ial message to Congress, called for immediate steps
14 to strengthen the defense of the United States. He
15 asked Congress to appropriate, 'with as great speed
16 as possible', more than half a billion dollars for
17 Army and Navy equipment, particularly for military
18 and naval aircraft. These planes, he said, would
19 considerably strengthen the air defense of continental
20 United States, Alaska, Hawaii, Puerto Rico, and the
21 Canal Zone. The President likewise recommended the
22 training of additional air pilots and urged that steps
23 be taken to prepare industry for quantity production
24 of war materials. These recommendations, which the
25 President characterized as 'a minimum program for the

1 necessities of defense', were substantially enacted
2 into law.

3 "For several years agencies of this Govern-
4 ment had been studying the problem of the acquisition
5 of stock-piles of strategic and critical materials
6 not produced in the United States or produced here
7 in quantities below national requirements. These
8 stock-piles were to be for use in case of national
9 emergency.

10 "Secretary of State Hull discussed the
11 problem in a letter of October 21, 1938 to the Pres-
12 ident. He said that events of the past few weeks
13 had shown clearly the wisdom of adequate handling
14 of the problem of strategic raw materials 'with all
15 possible despatch'; that these events indicated how
16 disturbed sources of supply would be in any general
17 war; and that there were insufficient supplies in the
18 United States of a number of raw materials which would
19 be of great strategic importance in the event of a
20 general war, whether or not the United States were
21 involved. The Secretary said further that the Depart-
22 ment of State concurred in the view of the War and
23 Navy Departments that it was 'highly desirable to
24 adopt a national policy with respect to this problem
25 and to secure early and effective action by Congress';

1 that it was felt that there should be no further delay
2 in initiating steps which would make available adequate
3 supplies of the materials which were of the most
4 critical importance.

5 "The President approved the recommendation,
6 and there was later enacted, on June 7, 1939, legis-
7 lation stating that it was the policy of Congress to
8 provide for the acquisition of stocks of 'certain
9 strategic and critical materials being deficient or
10 insufficiently developed to supply the industrial,
11 military, and naval needs of the country for common
12 defense . . . in times of national emergency'. This
13 legislation authorized the appropriation of \$100,000,000
14 which was gradually appropriated for the purpose.

15 "One hundred thousand tons of rubber were
16 brought into this country as a result of an agreement
17 between the United States and Great Britain, dated
18 June 23, 1939, providing for the delivery by the
19 United States of cotton in return for rubber."

20 THE PRESIDENT: Mr. Taverner.

21 MR. TAVENNER: If the Tribunal please, I
22 desire to call your attention to the fact that
23 asterisks appear at the end of the first paragraph
24 on the first page, indicating that matter has been
25 omitted, and that it will appear from the omitted

1 matter that the war which had been averted, and which
2 was referred to, was a war with Germany.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: Defense Document 1500-A is a
5 table of contents of selected letters between Admiral
6 H. R. Stark and Admiral J. O. Richardson. I don't
7 intend to read it. It is just for the information
8 of the Tribunal as to where these documents come
9 from.

10 I shall omit Document 1500-A-1 as cumulative.

11 We offer in evidence defense document
12 1500-B-1, which is a communication dated January 26,
13 1940, from the then Commander-in-Chief of the United
14 States Fleet to the Chief of Naval Operations, relative
15 to American naval operations plan against Japan.
16 I shall omit the paragraph commencing with the last
17 two lines on Page 1, and also omit the postscripts.

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THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please, this
2 is the first of a series of letters between the two
3 admirals in the United States Navy which express
4 mainly the opinion of the writer of the letter.
5 These letters are in the nature of private communi-
6 cations between these two admirals and of necessity
7 were secret until the Pearl Harbor inquiry.
8

9 It is submitted that there is no relevant
10 statement contained in these letters, but even if
11 a relevant statement had been made, a statement of
12 fact, it is a matter which did not come to the atten-
13 tion of the Japanese, as far as the evidence discloses,
14 and therefore could not have been the subject of
15 action on their part, or the cause of action.

16 The same point was made with regard to
17 document 1500-E-5, which was rejected this morning.
18 The fact that the United States had a plan which it
19 called the Orange Plan did not import any aggressive
20 intention against Japan, and the fact that two admirals
21 of the United States Navy spoke of those matters in
22 a private communication between them certainly does
23 not make it relevant to the issues as they stand in
24 this case; so the objection is made that these docu-
25 ments deal with opinion, that they do not refer to

1 relevant facts, and such facts as they do refer to
2 were matters the accused in this case did not have
3 knowledge of until the inquiry at Pearl Harbor. Under
4 no view of the situation could they be material to
5 the issues.

6 I may add that in the early part of this
7 case the Tribunal announced that it was no defense
8 to these accused for the pot to call the kettle black.
9 The sole issue in this case is whether or not the
10 accused were guilty of aggressive warfare or con-
11 spiracy with regard thereto, and the subject of this
12 Pearl Harbor inquiry would not be relevant to that
13 issue.

14 THE PRESIDENT: Mr. Logan.

15 MR. LOGAN: If the Tribunal please, this is
16 a communication from the Commander-in-Chief of the
17 United States fleet to the Chief of Naval Operations,
18 the two highest ranking United States naval officials.
19 It is not a private letter discussing private matters.
20 It is a letter between these two high ranking officials
21 discussing official business. It is rather difficult
22 to show the attitude of naval officers of a country,
23 and the best way to do it that we have been able to
24 find is to show at least the attitude of these two
25 high officials, to show how they set forth the naval

viewpoint.

1 THE PRESIDENT: How does it help the defense,
2 Mr. Logan?

3 MR. LOGAN: I am sorry; I didn't hear.

4 THE PRESIDENT: How does it help the defense?

5 MR. LOGAN: It shows, your Honor, the effect
6 later on of these war plans which were being developed
7 by the United States at that time, and if only on
8 the ground that they reveal the war plans they should
9 be admitted. But there are other grounds. The
10 prosecution produced Admiral Richardson as a witness,
11 and at that time the Court invited the defense to use
12 this Pearl Harbor record rather than further cross-
13 examine Admiral Richardson.

14 THE PRESIDENT: We can't see how it helps
15 the defense, but one of my colleagues puts it this way:
16 "There was a lot of discussion about war games. I think
17 the defendants have the right to show that the United
18 States did the same against Japan." However, the
19 majority of the Court is against you.

20 By a majority the objection is upheld and the
21 document rejected.

22 MR. LOGAN: I offer in evidence defense docu-
23 ment 1500-D-1, which is a confidential letter from
24 the then Commander-in-Chief of the United States
25

viewpoint.

1 THE PRESIDENT: How does it help the defense,
2 Mr. Logan?

3 MR. LOGAN: I am sorry; I didn't hear.

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11 and at that time the Court invited the defense to use
12 this Pearl Harbor record rather than further cross-
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16 the defense, but one of my colleagues puts it this way:
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18 the defendants have the right to show that the United
19 States did the same against Japan." However, the
20 majority of the Court is against you.

21 By a majority the objection is upheld and the
22 document rejected.

23 MR. LOGAN: I offer in evidence defense docu-
24 ment 1500-D-1, which is a confidential letter from
25 the then Commander-in-Chief of the United States

1 Fleet to the Chief of Naval Operations relative to
2 the situation that existed in the Pacific in early
3 1940. I intend to read three short paragraphs,
4 the 7th and 8th on page 1 and the second paragraph
5 on page 2.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this
8 document is on all fours with the one previously re-
9 jected, and objection is made to its introduction on
10 the same grounds.

11 THE PRESIDENT: Mr. Logan.

12 MR. LOGAN: If the Tribunal please, the
13 paragraphs I designated I intended to read, the 7th
14 and 8th, on page 1, show reinforcement of the Pacific
15 Fleet; and on page 2 that paragraph refers to the
16 cooperation between the Navy and the State Department
17 with regard to the stationing of the detachment in
18 Hawaii, for the effect of its presence there.

19 THE PRESIDENT: By a majority the Court
20 upholds the objection and rejects the document.

21 MR. LOGAN: We offer in evidence defense
22 document 1500-E-1, which shows the tenseness in the
23 Pacific as early as April 8, 1940. I intend to read
24 the third paragraph.

25 THE PRESIDENT: Mr. Tavenner.

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2 the situation that existed in the Pacific in early
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14 and 8th, on page 1, show reinforcement of the Pacific
15 Fleet; and on page 2 that paragraph refers to the
16 cooperation between the Navy and the State Department
17 with regard to the stationing of the detachment in
18 Hawaii, for the effect of its presence there.

19 THE PRESIDENT: By a majority the Court
20 upholds the objection and rejects the document.

21 MR. LOGAN: We offer in evidence defense
22 document 1500-E-1, which shows the tenseness in the
23 Pacific as early as April 8, 1940. I intend to read
24 the third paragraph.

25 THE PRESIDENT: Mr. Tavenner.

1 Fleet to the Chief of Naval Operations relative to
2 the situation that existed in the Pacific in early
3 1940. I intend to read three short paragraphs,
4 the 7th and 8th on page 1 and the second paragraph
5 on page 2.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this
8 document is on all fours with the one previously re-
9 jected, and objection is made to its introduction on
10 the same grounds.

11 THE PRESIDENT: Mr. Logan.

12 MR. LOGAN: If the Tribunal please, the
13 paragraphs I designated I intended to read, the 7th
14 and 8th, on page 1, show reinforcement of the Pacific
15 Fleet; and on page 2 that paragraph refers to the
16 cooperation between the Navy and the State Department
17 with regard to the stationing of the detachment in
18 Hawaii, for the effect of its presence there.

19 THE PRESIDENT: By a majority the Court
20 upholds the objection and rejects the document.

21 MR. LOGAN: We offer in evidence defense
22 document 1500-E-1, which shows the tenseness in the
23 Pacific as early as April 8, 1940. I intend to read
24 the third paragraph.

25 THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: The same objection, if the
2 Tribunal please, and for the same reasons, with the
3 emphasis: on the matter of opinion on the part of the
4 writer.

5 MR. LOGAN: This shows that in April 8,
6 1940, the highest ranking officials, one of whom sat
7 on the War Council of the United States, recognized
8 that the situation was deteriorating in the Far East
9 as far as the relationship between the United States
10 and Japan was concerned, and recognized the possi-
11 bility of trouble in the Orient; and as the actions
12 of a fleet are governed by the thoughts of those
13 officials in charge of the Navy, this is offered for
14 that purpose.

15 It also tends to show, if the Tribunal please,
16 that as early as April 8, 1940, it was recognized
17 that the possibility of a surprise attack, which took
18 place, so called, over a year and a half later.

19 THE PRESIDENT: The objection is sustained
20 and the document rejected by a majority.

21 MR. LOGAN: We offer in evidence defense
22 document 1500-E-2. This is a confidential letter
23 from Admiral Stark to Admiral Richardson, dated May
24 7, 1940. I only intend to read paragraphs 1, 3, 5, and
25 8.

THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please, the
2 same objection is made for the same reasons. It is an
3 operational discussion about concentrating the fleet
4 in the Hawaiian waters, and refers to the danger of
5 Italy coming into the war.
6

7 MR. LOGAN: If my recollection is correct,
8 the Tribunal this morning ruled that the defense
9 could show war plans on the part of the United States
10 or any of the Allied nations, and the part I intended
11 to read, which I read off, omits what Mr. Tavenner
12 said about Italy coming into the war. I didn't in-
13 tend to read that.

14 THE PRESIDENT: The Court upholds the objec-
15 tion and rejects the document, by a majority.

16 MR. LOGAN: We offer in evidence defense
17 document 1500-F-1, which is a letter from the American
18 Chief of Naval Operations to the Commander-in-Chief
19 of the United States Fleet, dated May 13, 1940.
20 This further shows the tenseness of the military situa-
21 tion in the Pacific at this time. I intend to omit
22 the first three paragraphs and the last paragraph on
23 page 1 and the postscript on page 2.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, the

1 prosecution objects for the reasons previously
2 announced.

3 MR. LOGAN: I suggest that the Tribunal
4 read the seventh and eighth paragraphs. I think
5 that explains as well as I can what I have in mind
6 with respect to the proof we intend to offer.

7 THE PRESIDENT: By a majority the Court sus-
8 tains the objection and rejects the document.

9 MR. LOGAN: We offer in evidence defense
10 document 1500-G-1, another excerpt from the Pearl
11 Harbor investigation. It is a letter from the Chief
12 of Naval Operations to the Commander-in-Chief of the
13 United States Fleet, dated May 22, 1940. This shows
14 American preparations for war in the Pacific. I
15 shall omit the paragraph beginning at the bottom of
16 page 1 and the 1st, 3rd, 4th, and 5th paragraphs on
17 page 2 and the postscript.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: The prosecution objects for
20 the reasons previously stated.

21 THE PRESIDENT: By a majority the Court sus-
22 tains the objection and rejects the document.

23 MR. LOGAN: If the Tribunal please, I have
24 a large number of these documents that I intend to
25 offer of these conversations. If I had some idea

1 what the Tribunal had in mind with respect to the
2 reason, perhaps I could eliminate all these documents.
3 I feel they are material.

4 THE PRESIDENT: These private letters between
5 admirals do not help, at least this particular series.
6 If the rest are like these, there is nothing to be
7 gained in tendering them except for record purposes.
8 Bunch them altogether and tender them and they will
9 be rejected because of what has already occurred.

10 MR. LOGAN: Well, if the Tribunal please,
11 while these two men were admirals, one, as I pointed
12 out, was Chief of the Naval Staff, which is the high-
13 est naval position in the United States, and he sat
14 on the Supreme War Council. His thoughts and his
15 actions were submitted to that council and action taken
16 thereon, and this Tribunal will have to determine why
17 the United States Navy took certain actions. These
18 are the reasons for it, as shown by this proof which
19 we are offering. I mean, this is not idle gossip
20 between two low-ranking officials; it is official
21 business conducted between the two highest United States
22 Naval officials discussing war plans against Japan,
23 which we understood from the Tribunal's ruling this
24 morning we were permitted to show.

25 If the Tribunal please, may Mr. Brannon,

1 who is very well versed in naval matters, speak on
2 behalf of this line of documents? We deem it of
3 sufficient important to have the Tribunal permit him
4 to speak.

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1 THE PRESIDENT: You can handle it well
2 enough, Mr. Logan.

3 MR. LOGAN: We offer in evidence defense
4 document 1500-H-1 which is a confidential letter
5 to the United States Chief of Naval Operations
6 from the Commander in Chief of the United States
7 Fleet dated May 22, 1940. This shows that con-
8 ditions in the Pacific were so tense at this time
9 that the Commander in Chief himself during
10 maneuvers did not know whether he was to engage in
11 hostile activities against Japan.

12 I intend to read the first three paragraphs
13 on page 1.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If the Tribunal please, I
16 had understood that if counsel would present these
17 documents which come under this classification
18 under another rule of the Court, so that there would
19 be a record that he had tendered them, and I think
20 by so doing the individual Member of the Tribunal
21 who desires to read those documents, that the list
22 is still preserved for him, so that to them it seems
23 like a loss of time to present these separately and
24 raise the objections and pass on it each time when
25

1 counsel has stated that there are a number of
2 similar type documents.

3 THE PRESIDENT: We do not say that no
4 letters between these two admirals, whether private
5 or not, could never be relevant and material, but
6 Mr. Logan seems to think they are covered by the
7 earlier decisions. If so, he should respect those
8 earlier decisions.

9 MR. TAVENNER: The prosecution objects to
10 the introduction of this document on the same
11 grounds as previously stated.

12 THE PRESIDENT: We said nothing this morn-
13 ing that would justify the tendering of this docu-
14 ment.

15 MR. LOGAN: I am trying to respect the
16 Tribunal's previous decision. That is what I said.
17 This morning we were advised that we could show
18 army and naval preparations on behalf of the United
19 States -- war plans.

20 THE PRESIDENT: Those documents showed
21 increases in the strength of the United States
22 forces. This is quite different. This document is
23 rejected.
24

25 MR. LOGAN: We offer in evidence defense
document 1500-I-1 which is the secret answer of the

1 Chief of Naval Operations dated May 27, 1940 to
2 the letter of the Commander in Chief of the United
3 States Fleet, dated May 22, 1940.

4 I intend to read all of page 1 except the
5 last three lines. On page 2 I intend to read para-
6 graphs 3, 4 and 5, and on page 3, paragraphs 1, 7
7 and 8.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,
10 the prosecution views this document as being on all
11 fours with the previous one and being in answer to
12 the previous letter. Objection is made to its
13 introduction in evidence on the grounds previously
14 stated.

15 MR. LOGAN: If the Tribunal please, this
16 particular document answers the question which was
17 asked in the previous letter, and this answer is
18 from Admiral Stark, as to why the American fleet
19 was in the Hawaiian area.

20 THE PRESIDENT: Admiral Stark puts the
21 question and answers it himself -- to prevent the
22 Japs going into the East Indies. Is that all you
23 wanted it in for?
24

25 MR. LOGAN: That is right.

THE PRESIDENT: It seems to me to be in

1 the same position as the others. The objection is
2 upheld and the document rejected by a majority.

3 MR. LOGAN: We offer in evidence defense
4 document 1500-J-1 which is a secret letter from the
5 Chief of Naval Operations to the Commander in Chief
6 of the United States Fleet dated June 22, 1940 reiter-
7 ating certain military preparations which had been
8 made and emphasizing the need for complete readi-
9 ness of the fleet.

10 I shall omit the first, fourth, seventh and
11 eighth paragraphs.

12 THE PRESIDENT: Mr. Tavenner.

13 MR. TAVENNER: If it please the Tribunal,
14 the prosecution objects to the introduction of this
15 document for the same reasons as stated in regard
16 to the previous document.

17 MR. LOGAN: It shows the transfer of certain
18 equipment through the Panama Canal, to Pearl Harbor,
19 efforts being made to strengthen the Pacific Fleet,
20 transports, and introduction of legislation to pro-
21 vide for major tasks in both oceans. That is the
22 information contained in the paragraphs I intend to
23 read.
24

25 THE PRESIDENT: I cannot distinguish this
from the other. There is some reference to an

1 increase in strength on a very small scale.

2 By a majority the objection is sustained
3 and the document rejected.

4 MR. LOGAN: We offer in evidence defense
5 documents 1500-K-1, 1500-F-2, 1500-L-1, 1500-G-2
6 which consist of a letter from the Chief of Naval
7 Operations to the Commander in Chief of the United
8 States Fleet dated June 22, 1940 together with cer-
9 tain enclosures. These show American military
10 preparation in the Pacific together with the
11 suspicion that an overseas air raid might occur
12 against Pearl Harbor as early as June 1940.

13 I propose to read all of the letter, para-
14 graph 1 of the first enclosure, all of the second
15 enclosure, and the second paragraph of the third
16 enclosure.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: The prosecution makes the
19 same objection to the introduction of this document
20 as to the former documents.

21 THE PRESIDENT: By a majority the objection
22 is sustained and the document rejected.

23 MR. LOGAN: Defense document 401-31 being
24 another excerpt from "Peace and War" is offered in
25 evidence. This document shows further expenditures

1 and efforts made by the United States.

2 THE PRESIDENT: We have not seen it, but
3 there is no objection to it. Admitted on the usual
4 terms.

5 CLERK OF THE COURT: Defense document
6 401 (31) will receive exhibit No. 2846.

7 (Whereupon, the document above
8 referred to was given defense exhibit No.
9 2846 and received in evidence.)

10 MR. LOGAN: I shall read exhibit 2846, an
11 excerpt from "Peace and War," official publication
12 of the Department of State, U.S.A.:

13 "Defense Measures of the United States,
14 1940. President Roosevelt's Request for 50,000
15 Planes.

16 "In January 1940, when the European war was
17 still in a period of lull, President Roosevelt asked
18 Congress for a national defense appropriation of
19 \$1,800,000,000. By the middle of the following
20 May, the rapid development of military events in
21 Europe impelled him to request further appropria-
22 tions for national defense. In an address to Con-
23 gress on May 16, 1940, he said that the brutal
24 force of modern offensive warfare had been loosed
25 in all its horror; that new and swift and deadly

1 powers of destruction had been developed which were
2 wielded by men who were ruthless and daring; that no
3 old defense was so strong that it required no fur-
4 ther strengthening and no attack was so unlikely or
5 impossible that it might be ignored. The President
6 said we had had before us over and over again the
7 lesson that nations not ready and unable to get
8 ready found themselves overrun by the enemy; that
9 so-called impregnable fortifications no longer
10 existed; that an effective defense required the
11 equipment to attack an aggressor on his route
12 'before he can establish strong bases within the
13 territory of American vital interests.'

14 "The President said to Congress that he
15 should like to see the United States 'geared up to
16 the ability to turn out at least 50,000 planes a
17 year'; furthermore, he believed 'that this Nation
18 should plan at this time a program that would
19 provide us with 50,000 military and naval planes.'
20 He made a request for \$1,000,000,000 to procure the
21 essential equipment for a larger and thoroughly
22 rounded out Army, to replace or modernize Army or
23 Navy equipment, to increase production facilities
24 for everything needed for the Army or Navy, and to
25 speed up to a twenty-four-hour basis all Army and

1 Navy contracts. In making this request the Presi-
2 dent reminded Congress that our ideal and our
3 objective still was peace. Nevertheless, we stood
4 ready 'not only to spend millions for defense but
5 to give our service and even our lives for the
6 maintenance of our American liberties.'

7 "In a message to Congress on May 31,
8 President Roosevelt made an additional request for
9 appropriations of over a billion dollars for
10 national defense and asked for authority to call the
11 National Guard and the necessary Reserve personnel
12 into active military service. He declared that 'the
13 almost incredible events of the past two weeks in
14 the European conflict, particularly as a result of the
15 use of aviation and mechanized equipment,' neces-
16 sitated further increases in our military program.
17 No one could foretell the future, he said, but
18 American defense must be made more certain so long
19 as the possibility existed that not one or two
20 continents but all continents might be involved in
21 a world-wide war. He again emphasized the neces-
22 sity for expansion of facilities for the production
23 of munitions.

24 "These requests for appropriations were
25 promptly met by the Congress, as also was the

1 President's request of July 10 for \$5,000,000,000
2 more for the rearmament program. The President's
3 request for authority to call the National Guard
4 and Reserve personnel into active military service
5 was granted in a resolution approved August 27,
6 1940. However, the legislation provided that the
7 personnel ordered into active Federal service under
8 this authority should 'not be employed beyond the
9 limits of the Western Hemisphere except in the
10 territories and possessions of the United States,
11 including the Philippine Islands."
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1 Defense document 401-33, being an excerpt from
2 "Peace and War," is offered for the purpose of showing
3 collaboration between the United States and Great
4 Britain in September, 1940, the transfer of fifty
5 destroyers and an enactment on September 16, 1940 of
6 the Selective Service and Training Act in the United
7 States. This document was previously rejected on
8 page 24,273 of the record on the ground it was im-
9 material. It was offered at that time in connection
10 with the Tri-Partite Pact.

11 THE PRESIDENT: What has this to do with
12 Japan? There could only be the most remote connection.

13 MR. LOGAN: It shows, if the Tribunal please,
14 that there was collaboration between the United States
15 and Great Britain at that time and also with respect
16 to the transfer of destroyers--

17 THE PRESIDENT: By a majority the objection
18 is sustained and the document again rejected.

19 MR. LOGAN: I had not quite finished, if the
20 Tribunal please--

21 THE PRESIDENT: It is already rejected, Mr.
22 Logan. We do not want to hear elaborate argument on a
23 document already rejected.

24 MR. LOGAN: We offer in evidence defense
25 documents 1500-M-1, 1500-N-1, 1500-H-2 which consist

1 of a confidential letter together with enclosures
2 from Admiral Richardson to Chief of Naval Operations,
3 Admiral Stark, dated September 18, 1940. These show
4 the condition of affairs in the Pacific as viewed by
5 the Commander in Chief of the United States fleet
6 together with a resume of discussions with the Under-
7 Secretary of the Navy.

8 From document 1500-M-1 I shall read paragraphs
9 4 and 5 on page 1; from document 1500-N-1 I shall read
10 paragraph 7, page 2; paragraphs number (b), (c) and (d)
11 on page 3; paragraphs numbered (c) and (d) on page 4;
12 and paragraph (3) on page 5.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If it please the Tribunal,
15 this is the same type of document which the Tribunal
16 has rejected, it being correspondence between two of
17 the Admirals of the United States navy. Prosecution
18 objects to their introduction in evidence on the same
19 grounds previously stated.

20 MR. LOGAN: If the Tribunal please, I would
21 just like to refer to one portion of this document on
22 page 4, memorandum that was given to the Secretary of
23 the Navy, paragraph 7-(c), which shows just exactly
24 what the policy of the United States government was at
25 that time. It is defense document 1500-N-1, page 4,

1 7-(c). I think that portion is typical of the rest
2 of that particular document and it indicates exactly
3 why we are trying to present this document in evidence.

4 THE PRESIDENT: By a majority the objection is
5 sustained and all three documents rejected.

6 MR. LOGAN: We now offer in evidence defense
7 document 1500-0-1. This is a letter from Admiral
8 Stark to Admiral Richardson dated September 24, 1940
9 in which the Chief of Naval Operations sets forth his
10 strong disapproval to the State Department of the
11 United States imposing an oil embargo on Japan.

12 I shall read only paragraphs 3 and 4.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: The same objection is made to
15 the introduction of this document, if the Tribunal
16 please.

17 THE PRESIDENT: Objection sustained and the
18 document rejected, by a majority.

19 MR. LOGAN: We offer in evidence defense
20 document 1500-P-1. This is a letter from Admiral
21 Stark to Admiral Richardson dated October 1, 1940 in
22 which the possibility of sending a detachment of the
23 United States fleet to the Far East is referred to,
24 together with the endeavors of the High Command to
25 rapidly improve the fleet with the frank realization

1 that there would be no surprise at "anything
2 happening any day."

3 I shall read the second, sixth and seventh
4 paragraphs.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: If the Tribunal please, the
7 same objection is made to the introduction of this
8 document.

9 MR. LOGAN: Frankly, if the Tribunal please,
10 I do not see how we can possibly get the views of
11 the navy before the Tribunal except from the men
12 responsible for it.

13 THE PRESIDENT: We are reading every document
14 you tender, everyone of us, and we are looking for
15 probative value. Every document has been fully con-
16 sidered by every Member of the Court.

17 MR. LOGAN: We now offer in evidence--

18 THE PRESIDENT: We have not given a decision.

19 MR. LOGAN: I am sorry.

20 THE PRESIDENT: By a majority the objection
21 is sustained and the document rejected.

22 MR. LOGAN: We now offer in evidence defense
23 document 138 which is an excerpt from the Japan Year-
24 book. This excerpt is offered for the purpose of
25 showing American assistance to China and steps taken

1 by the United States with respect to its navy.

2 I shall read the last paragraph on page 1,
3 the fourth and fifth paragraphs on page 2, the first
4 paragraph on page 3 and the last paragraph on page 3,
5 commencing with the third sentence.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this
8 is a statement prepared by an anonymous writer covering
9 material which is already in evidence. It is written
10 in argumentative form and is objectionable for that
11 reason. Had there been no evidence in the case
12 relating to these matters this, we submit, would not
13 be the proper way in which to prove them. We think
14 the document should be rejected on the ground of its
15 being repetitive.

16 THE PRESIDENT: Mr. Logan.

17 MR. LOGAN: I do not think it is repetitive.
18 I am quite sure it is not but objection was made by
19 the prosecution earlier to certain documents we offered,
20 particularly this last group, on the ground that no
21 information concerning what was transpiring was trans-
22 mitted to the Japanese people or Japanese government.
23 This is some evidence that the Japanese government and
24 Japanese people knew what was going on.

25 THE PRESIDENT: The objection is sustained

and the document rejected by a majority.

1 MR. LOGAN: We offer in evidence defense
2 document 1500-D-2. This is a memorandum prepared by
3 Admiral Richardson after a discussion with the
4 President of the United States in October, 1940.
5 It speaks of the reason for retaining the fleet at
6 Pearl Harbor and refers to military movements on
7 behalf of the United States in the Pacific.

8 I shall omit the fifth paragraph.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: Objection is made to the
11 introduction of this document for the same reasons
12 presented in regard to the other Richardson communica-
13 tions.
14

15 MR. LOGAN: This is a memorandum, if the
16 Tribunal please, delivered to Chief of Naval Operations
17 from Admiral Richardson and covers some points which
18 he discussed with the President of the United States.

19 THE PRESIDENT: By a majority the objection
20 is sustained and the document rejected.

21 MR. LOGAN: We offer in evidence defense
22 document 1500-A-2 which is a memorandum dated October
23 16, 1940 from Admiral Richardson to Admiral Hart,
24 Commander of the Asiatic fleet, concerning a proposed
25 blockade of Japan in the event Japan opposed the

1 opening of the Burma Road. It shows the extent of
2 war plans and preparations that were actually being
3 made against Japan.

4 I shall omit paragraphs numbered 2 and 7 on
5 page 2 and paragraph numbered 8 on page 3.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this
8 document is on the same footing as the one just
9 rejected. Objection is made to its introduction for
10 the reasons previously stated.

11 MR. LOGAN: I might say that this document
12 shows that there are two enclosures in connection
13 with it. One is a copy of assumptions; and one is a
14 copy of tentative operations. The measures and opera-
15 tions to be undertaken by the United States fleet
16 commence on page 4 of the document. The measures
17 include mobilization of United States fleet in accord-
18 ance with the "Orange Plan," redistribution of the
19 forces in the Atlantic to transfer some of them to
20 the Pacific, measures for the defense of Alaska,
21 completion of readiness measures for the operation of
22 the fleet in the mid-Pacific, measures for the defense
23 of the Pacific Islands such as Midway, Wake, Johnston,
24 Canton Island, Samoa, Hawaii, and also some assumptions
25 which are--

1 THE PRESIDENT: The most important things
2 of all.

3 MR. LOGAN: Yes.

4 THE PRESIDENT: They are all based on
5 possible Japanese aggression as far as I can judge.

6 MR. LOGAN: There are various assumptions,
7 sir, set forth there, if the Tribunal please.

8 THE PRESIDENT: Assumptions are based on
9 prospective attack or possible attack by Japan.

10 MR. LOGAN: That is one of them. There are
11 ten different assumptions there.

12 THE PRESIDENT: By a majority the Court
13 sustains the objection and rejects the document.

14 MR. LOGAN: We offer in evidence defense
15 document 1500-Q-1. This is a secret letter from
16 Admiral Richardson to Admiral Stark dated October 22,
17 1940 in which war plans are discussed in view of the
18 then existing international situation in the Pacific.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: This document is identical
21 in the principles involved with that of the last
22 document. Objection is made to its introduction on
23 the same grounds.

24 MR. LOGAN: Here again it shows war plans,
25 if the Tribunal please.

1 THE PRESIDENT: By a majority the Court
2 sustains the objection and rejects the document.

3 MR. LOGAN: We offer in evidence defense
4 document 1900-A-1, an excerpt from the "Asahi Shimbun"
5 of November 9, 1940 reporting an agreement reached
6 among Britain, America and Australia for cooperation
7 in the Pacific.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,
10 this is a typical newspaper publication which has been
11 repeatedly rejected.

12 THE PRESIDENT: We would understand your
13 argument more clearly if we had the papers before us.
14 Never mind your point of view, Mr. Tavenner.

15 The speed is somewhat fast.

16 MR. TAVENNER: I beg your pardon, I thought
17 you called on me to respond.

18 If the Tribunal please, this is a type of
19 newspaper article which has been so repeatedly rejected
20 by the Tribunal--

21 THE PRESIDENT: Wholly based on an emergency--
22 a possible attack.

23 Mr. Logan.

24 MR. LOGAN: The prosecution has been objecting
25 to some of this evidence on the ground that the Japanese

1 government and Japanese people did not know it. Some
2 of the matters which were supposed to be secret, it
3 was found out they were matters of common knowledge
4 among the Japanese government and the Japanese people.
5 The prosecution has contended and they tried to intro-
6 duce evidence which they thought showed that the
7 people of Japan were educated by these accused to
8 build up a war machine. Possibly -- probably informa-
9 tion which the Japanese press received from abroad such
10 as this article here had a great deal to do with that.
11 We are not offering the document for the truth or
12 falsity of the information contained in it. We are
13 offering it for the purpose of showing that this in-
14 formation was received and was published in the
15 Japanese newspapers.

16 THE PRESIDENT: Objection sustained and the
17 document rejected by a majority.

18 We will adjourn for fifteen minutes.

19 (Whereupon, at 1445, a recess was
20 taken until 1500, after which the proceedings
21 were resumed as follows:)
22
23
24
25

1 government and Japanese people did not know it. Some
2 of the matters which were supposed to be secret, it
3 was found out they were matters of common knowledge
4 among the Japanese government and the Japanese people.
5 The prosecution has contended and they tried to intro-
6 duce evidence which they thought showed that the
7 people of Japan were educated by these accused to
8 build up a war machine. Possibly -- probably informa-
9 tion which the Japanese press received from abroad such
10 as this article here had a great deal to do with that.
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12 falsity of the information contained in it. We are
13 offering it for the purpose of showing that this in-
14 formation was received and was published in the
15 Japanese newspapers.

16 THE PRESIDENT: Objection sustained and the
17 document rejected by a majority.

18 We will adjourn for fifteen minutes.

19 (Whereupon, at 1445, a recess was
20 taken until 1500, after which the proceedings
21 were resumed as follows:)
22
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. LOGAN: We offer in evidence defense docu-
4 ment 1900-A-2, an excerpt from the Asahi Shimbun of
5 November 9, 1940, reporting that the Department of
6 State denied the agreement between Britain, America
7 and Australia to cooperate in the Pacific but admitted
8 that cooperation was actually going on.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please, this
11 is another newspaper publication similar to the one
12 just rejected. Objection is made on the same ground
13 as that previously stated.

14 MR. LOGAN: Our reasons for advancing it
15 are the same.

16 THE PRESIDENT: The objection is sustained
17 and the document rejected by a majority.

18 MR. LOGAN: We offer in evidence defense
19 document 1900-A-3, an excerpt from the Asahi Shimbun
20 of November 9, 1940, reporting further denials of
21 agreement among Britain, America and Australia about
22 the joint use of naval bases in the Pacific, but
23 admission that opinions were exchanged unofficially.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: Objection is made on the same

ground, if the Tribunal please.

1 THE PRESIDENT: The objection is sustained
2 and the document rejected by a majority.

3 MR. LOGAN: I might state, if the Tribunal
4 please, that there was some question, when this matter
5 of the conversation between the naval authorities of
6 Great Britain and the United States met, as to whether
7 or not that information had reached Japan, and that is
8 what we were trying to show by these documents.
9

10 In conjunction with defense document
11 1500-Q-1, just offered in evidence, we offer defense
12 document 1500-I-4, which gives some of the testimony
13 of Admiral Richardson concerning the American Orange
14 Plan.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If the Tribunal please, the
17 same objection is made to this document as to the
18 other 1500 classification of documents, and on the
19 same grounds.

20 MR. LOGAN: It is proposed later on in the
21 testimony by the defense to show that the plans,
22 operations, of the Japanese navy were to some extent
23 based on what the other powers were doing; in other
24 words, that there is duty on the part of the high
25 naval officials of a country to formulate plans, and

1 what Japan did was no different from what was done
2 by other nations.

3 THE PRESIDENT: The objection is sustained
4 and the document rejected by a majority.

5 MR. LOGAN: We offer in evidence defense docu-
6 ment 1500-R-1. This is a letter from Admiral Stark
7 to Admiral Richardson, dated 12 November 1940, wherein
8 the United States Chief of Naval Operations discloses
9 that in his opinion it was only a matter of time
10 before the United States was in the war and discusses
11 new war plans. I intend to read the last two para-
12 graphs on page 1.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: The prosecution, if your Honor
15 please, raises the same objection on the same grounds.

16 MR. LOGAN: I might point out, if the Tri-
17 bunal please, that if this series of letters, infor-
18 mation contained in them, had been stated by any of
19 these Japanese accused, it would have been used by
20 the prosecution to show aggressive warfare; and all
21 I am trying to show is that the same type of operations
22 were undertaken by other nations.

23 THE PRESIDENT: By a majority, the objection
24 is sustained and the document rejected.

25 MR. LOGAN: We offer in evidence defense

1 document 1500-S-1. This is a secret letter from
2 Admiral Stark to Admiral Hart, Commander-in-Chief of
3 the United States Asiatic Fleet, dated 12 November
4 1940, and which was an enclosure to the letter just
5 offered in evidence, defense document 1500-R-1. It
6 discloses the High Command's views on conditions in
7 the Pacific and the extent of collaboration with the
8 British at that time. It is also offered for the
9 purpose of showing that the United States Navy was of
10 the opinion that Japan would not resort to hostilities
11 if additional economic sanctions were not imposed.

12 I intend to omit the last two paragraphs and
13 the postscript on page 2.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If the Tribunal please, the
16 prosecution makes the same objection on the same
17 grounds as the previous documents.

18 THE PRESIDENT: The objection is sustained,
19 and the document rejected by a majority.

20 MR. LOGAN: We offer in evidence defense
21 document 1900-A-4, an excerpt from the Asahi Shimbun
22 of November 13, 1940, reporting that the negotiations
23 dealing with America's use of Singapore were to come
24 to the fore shortly.

25 THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please, this
2 is another newspaper excerpt, identical in principle
3 with that rejected, defense document No. 1900-A-1.
4 Objection is made to its introduction on the same
5 ground.

6 MR. LOGAN: This is another example, if the
7 Tribunal please, of information which the Japanese
8 received from New York, and it shows that Japan had
9 general knowledge of the preparations and the encircle-
10 ment that was going on. Again, I am not offering it
11 for the truth or falsity of what is contained in it;
12 I am offering it for the mere fact that this article
13 appeared in the newspaper, and what the Japanese
14 Government and the people of Japan thought of it
15 undoubtedly had some effect on the subsequent actions.

16 THE PRESIDENT: The objection is sustained
17 and the document rejected by a majority.

18 MR. LOGAN: We offer in evidence defense
19 document 1900-A-6, an excerpt from the Asahi Shimbun
20 of November 13, 1940, reporting further on the newly-
21 established General Headquarters for the British Common-
22 wealth Forces in the Far East and an extension of an
23 embargo to ships of neutral nationalities bound for
24 Kwangchow Bay. It also reports that British rights
25 and interests in the Far East are to be protected in

1 cooperation with the colonies.

2 THE PRESIDENT: Mr. Tavenner.

3 MR. TAVENNER: If the Tribunal please, this
4 is another newspaper excerpt similar to the four or
5 five which have previously been rejected by the
6 Tribunal, and objection is made on the grounds
7 previously stated.

8 MR. LOGAN: I have nothing to add to what I
9 stated before of the other document.

10 THE PRESIDENT: The objection is sustained
11 and the document rejected by a majority.

12 MR. LOGAN: We offer in evidence defense
13 document 1900-A-5, an excerpt from the Asahi Shimbun
14 of November 15, 1940, stating that General Headquarters
15 of British Forces in the Far East were recently
16 established at Singapore. This dispatch emanates from
17 London.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: The same objection on the same
20 grounds, if the Tribunal please.

21 THE PRESIDENT: The objection is sustained
22 and the document is rejected by a majority.

23 MR. LOGAN: We offer in evidence defense
24 document 1500-T-1. This is a letter from Admiral
25 Stark to Admiral Richardson dated November 22, 1940,

1 in which the possibility of a sudden attack on the
2 United States Fleet was discussed in view of the
3 gravity of the situation at that time.

4 I shall read, if it is admitted, only the third,
5 fourth and fifth paragraphs.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, the
8 same objections on the same grounds as to the other
9 documents in series 1500.

10 MR. LOGAN: I have nothing to add.

11 THE PRESIDENT: The objection is sustained
12 and the document rejected by a majority.

13 MR. LOGAN: We offer in evidence defense
14 document 1900-A-7, an excerpt from the Asahi Newspaper
15 of November 24, 1940, reporting progress in the
16 strengthening of military preparations against Japan
17 in Singapore, and the plan for establishment of a
18 great air force for the Far East and movement of the
19 air force from England to Egypt, India and Singapore.

20 THE PRESIDENT: Mr. Tavenner.

21 MR. TAVENNER: If the Tribunal please, the
22 same objection is lodged to the introduction of this
23 document as the other documents in the 1900 series,
24 and on the same grounds.

25 MR. LOGAN: If the Tribunal please, it is

1 my understanding that the prosecution claimed that
2 these military preparations, and so forth, were not
3 known to Japan. Here is definite evidence that it
4 was known to them.

5 THE PRESIDENT: The objection is sustained
6 and the document rejected by a majority.
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1 MR. LOGAN: We offer in evidence defense
2 document 1500-U-1. This is a letter from Admiral
3 Richardson to Admiral Stark dated November 28, 1940,
4 in which it is revealed that the United States Naval
5 maneuvers might not be for training purposes alone.
6 I shall omit the second, third and fourth paragraphs
7 on page 1, the second, third, and fourth paragraphs on
8 page 2, and all except the last paragraph on page 3.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please, the
11 same objection is lodged to this document as to the
12 other documents of the 1500 series.

13 MR. LOGAN: It shows, if the Tribunal please,
14 that maneuvers were undertaken pursuant to plans in
15 nations other than Japan. The prosecution's claim is
16 that if Japan undertakes maneuvers they are for
17 aggressive war.

18 THE PRESIDENT: The objection is sustained
19 and the document rejected by a majority.

20 MR. LOGAN: Defense document 206-E-53, an
21 excerpt from former United States Ambassador Grew's
22 Diary, "Ten Years in Japan," setting forth certain
23 questions addressed by Ambassador Grew to President
24 Roosevelt is offered in evidence. This refers to a
25 letter he wrote to President Roosevelt on December 14,

1940; rather it quotes from a letter.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please,
3 Ambassador Grew in this letter merely sets forth
4 certain possible questions that relate to matters of
5 opinion. There is no question of fact.

6 THE PRESIDENT: He puts three questions
7 and says he is not able to answer any of them, and
8 that is the whole letter. The objection is sustained
9 and the document rejected by a majority.

10 MR. LOGAN: We offer in evidence defense
11 document 1500-V-1. This is a secret letter from
12 Admiral Stark to Admiral Richardson dated December 17,
13 1940, in which the United States Chief of Naval
14 Operations reveals a new Navy Basic War Plan. I do
15 not intend to read this.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: Notwithstanding the fact
18 counsel does not propose to read it, objection is
19 nevertheless made to its introduction into evidence
20 on the same ground as made to the other documents in
21 the 1500 series.

22 THE PRESIDENT: Why do you tender it if
23 it is not worth reading read, Mr. Logan?

24 MR. LOGAN: I tender it to show further war
25

1 plans. It is just one more plan that the United States
2 made out of many.

3 THE PRESIDENT: The objection is sustained and
4 the document rejected by a majority.

5 MR. LOGAN: We offer in evidence excerpt
6 from "Peace and War," being defense document 401(43),
7 which sets forth the budget requested by President
8 Roosevelt in January 1941 for national defense.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 401(43)
11 will receive exhibit No. 2847.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 2847 and received in evidence.)

15 MR. LOGAN: Exhibit 2847, "European War 1941,
16 The Four Freedoms, excerpt from 'Peace and War,'
17 official publication, Department of State, U. S. A.

18 "The President's budget message of this month,
19 January 1941, called for the expenditure of approxi-
20 mately \$11,000,000,000 for the national defense program.
21 This raised to \$28,000,000,000 the estimated outlay for
22 the defense program inaugurated in May 1940."

23 We next offer in evidence defense document
24 401(44), a further excerpt from defense document No.
25 401, the official publication of the United States

1 Government entitled "Peace and War." This document
2 shows the further implementation of the United States
3 foreign policy by the passage of the Lend Lease Act in
4 1941 and the supplying of arms and ammunition and
5 other materials to belligerents and others by the
6 United States while it was still a neutral power.

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: Objection is made to the
9 introduction of this document into evidence on the
10 ground that the Lend Lease Act with respect to
11 Germany would be irrelevant and immaterial to any
12 issue in this case. If it should be construed as
13 defense matter against Germany it could not, by any
14 interpretation, be considered relevant here.

15 MR. LOGAN: Again the prosecution picks out
16 ~~some~~ immaterial matter and tries to enlarge it. It
17 talks about aid to China and Britain.

18 MR. TAVENNER: If the Tribunal please, the
19 granting of aid in the form of lend lease to
20 governments in exile whose homelands are temporarily
21 occupied by aggressors certainly cannot serve as any
22 justification for aggressive action on the part of the
23 accused in this case.

24 THE PRESIDENT: By a majority the objection
25 is overruled and the document admitted on the usual

1 Government entitled "Peace and War." This document
2 shows the further implementation of the United States
3 foreign policy by the passage of the Lend Lease Act in
4 1941 and the supplying of arms and ammunition and
5 other materials to belligerents and others by the
6 United States while it was still a neutral power.

7 THE PRESIDENT: Mr. Tavenner.

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19 granting of aid in the form of lend lease to
20 governments in exile whose homelands are temporarily
21 occupied by aggressors certainly cannot serve as any
22 justification for aggressive action on the part of the
23 accused in this case.

24 THE PRESIDENT: By a majority the objection
25 is overruled and the document admitted on the usual

terms.

1 CLERK OF THE COURT: Defense document
2 401(44) will receive exhibit No. 2848.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 2848 and received in evidence.)

6 MR. LOGAN: Exhibit 2848, "Lend-Lease Act.

7 "Early in January 1941 there was introduced
8 in Congress a bill to enable the Government to furnish
9 aid to nations whose defense was deemed by the Presi-
10 dent to be vital to the defense of the United States.
11 Both Houses of Congress held extensive public hearings
12 on the bill. Secretary Hull made a statement before
13 the House Committee on Foreign Affairs on January 15
14 in support of the bill. In this statement the
15 Secretary declared that it had become increasingly
16 apparent that mankind was face to face with an organized,
17 ruthless, and implacable movement of steadily-expanding
18 conquest; that we were in the presence of forces which
19 were not restrained by considerations of law or princi-
20 ples of morality; that these forces had no fixed limits
21 for their program of conquest; that they had spread
22 over large areas of land and were desperately strug-
23 gling to seize control of the oceans as an essential
24 means of achieving and maintaining the conquest of
25

1 other continents. The Secretary stated that control
2 of the high seas by law-abiding nations 'is the key
3 to the security of the Western Hemisphere'; that
4 should such control be gained by the Axis powers,
5 the danger to the United States 'would be multiplied
6 manifold.' The most serious question for the United
7 States, the Secretary said, was whether the control
8 of the high seas would pass into the hands of powers
9 bent on a program of unlimited conquest.
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1 "The Secretary felt that on no other question
2 of public policy were the people of the United States
3 so nearly unanimous and so emphatic as they were on
4 that of the imperative need, in our own most vital
5 interest, to give Great Britain and other victims of
6 attack the maximum of material aid in the shortest
7 possible space of time. This was so because it was
8 clear that such assistance to those resisting attack
9 was a vital part of our national self defense. The
10 bill before the Committee, he said, known as the Lend-
11 Lease bill, provided for machinery which would enable
12 the United States to make the most effective use of
13 our resources for our own needs and for those whom,
14 in our own self defense, we were determined to aid.
15 The Secretary expressed the belief that this bill
16 would make it possible for us to allocate our re-
17 sources in ways best calculated to provide for the
18 security of the United States and of this continent.

19 "The Lend-Lease bill became law with the
20 signature of the President on March 11, 1941.
21 Immediately thereafter the President requested an
22 appropriation of \$7,000,000,000 to accomplish the
23 objectives of the act, and that appropriation was
24 speedily made.

25 "In an address on March 15 President

1 Roosevelt stated that the decision embodied in the
2 Lend-Lease Act ended the urging that we get along
3 with the dictators and ended the compromise with tyr-
4 ranny and the forces of oppression. When our pro-
5 duction output was in full swing, he said, the
6 democracies of the world would be able to prove that
7 dictators could not win. The time element he con-
8 sidered of 'supreme importance.' Every plane, every
9 other instrument of war, old and new, which we could
10 spare would be sent overseas; the great task of the
11 day, the deep duty which rested upon us, was to
12 'move products from the assembly lines of our fact-
13 ories to the battle lines of democracies -- Now!'

14 "The President said that the Nazi forces
15 were not asking mere modifications in colonial maps
16 or in minor European boundaries; that they openly
17 sought the destruction of all elective systems of
18 government on every continent -- including our own;
19 that they sought to establish systems of government
20 based on the regimentation of all human beings by a
21 handful of individual rulers who had seized power by
22 force.

23 "The Nation, he said, was calling for the
24 sacrifice of some privileges but not for the sacri-
25 fice of fundamental rights. Referring to the four

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2 Lend-Lease Act ended the urging that we get along
3 with the dictators and ended the compromise with tyr-
4 ranny and the forces of oppression. When our pro-
5 duction output was in full swing, he said, the
6 democracies of the world would be able to prove that
7 dictators could not win. The time element he con-
8 sidered of 'supreme importance.' Every plane, every
9 other instrument of war, old and new, which we could
10 spare would be sent overseas; the great task of the
11 day, the deep duty which rested upon us, was to
12 'move products from the assembly lines of our fact-
13 ories to the battle lines of democracies -- Now!'

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15 were not asking mere modifications in colonial maps
16 or in minor European boundaries; that they openly
17 sought the destruction of all elective systems of
18 government on every continent -- including our own;
19 that they sought to establish systems of government
20 based on the regimentation of all human beings by a
21 handful of individual rulers who had seized power by
22 force.

23 "The Nation, he said, was calling for the
24 sacrifice of some privileges but not for the sacri-
25 fice of fundamental rights. Referring to the four

1 freedoms set forth in his January address, the
2 President said that they might not be immediately
3 attainable throughout the world but 'Humanity does
4 move towards those ideals through democratic pro-
5 cesses.' If we failed and democracy were superseded
6 by slavery, 'then those four freedoms or even the
7 mention of them will become forbidden things.'

8 "There was no longer any doubt, he said,
9 that our people recognized the seriousness of the
10 international situation. That was why they had
11 'demanded and obtained' a 'policy of unqualified,
12 immediate, all-out aid for Britain, Greece, China,
13 and for all the governments in exile whose homelands
14 are temporarily occupied by the aggressors.' It
15 would be increased, he emphasized, 'and yet again
16 increased,' until total victory had been won.

17 "In instructions shortly thereafter to
18 United States diplomatic missions in several neutral
19 European countries, the Secretary of State said that
20 every effort should be made to see that this authori-
21 tative statement by the President of our position was
22 circulated as widely as possible. He said a salutary
23 effect on public and official opinion in countries
24 which had not been drawn directly into the war, would
25 result from a forceful, continuous presentation of

1 the position of the United States and of the scope
2 of our national effort and determination to resist
3 aggression. Such a presentation would be of great
4 assistance in counteracting totalitarian propaganda.
5 The missions were to stress that we were absolutely
6 convinced that the forces of aggression would be
7 defeated. It had been made abundantly clear by our
8 people and Government, the Secretary said, that we
9 intended to play our part in resistance against the
10 forces of aggression. Therefore, it was incumbent
11 upon every representative of the United States and
12 upon every United States citizen abroad to reflect
13 'the absolute determination' of the United States to
14 'see this thing through.'"

15 We offer in evidence defense document
16 1500-I-2 which is a confidential letter from Admiral
17 Richardson to Admiral Stark, sent 7 January 1941 with
18 respect to the security of the Fleet and the ability
19 of the defense forces to meet a surprise attack.

20 THE PRESIDENT: Mr. Tavenner.

21 MR. TAVENNER: If it please the Tribunal,
22 the same objection is made to this document as to the
23 other documents constituting series 1500.

24 THE PRESIDENT: The objection is sustained
25 and the document rejected by a majority.

1 MR. LOGAN: We offer in evidence defense
2 document 1900-A-8, an excerpt from the Asahi News-
3 paper of January 13, 1941, reporting that Britain
4 and the United States may jointly use British Naval
5 Bases in the Pacific.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, the
8 same objection is made to this document as the others
9 constituting the 1900 series. It is a rumor from a
10 newspaper -- originating in a newspaper column.

11 MR. LOGAN: I might say, if the Tribunal
12 please, here again we offer evidence to show that
13 information was received in Japan. We are not offer-
14 ing it for the truth or falsity of this information,
15 but apparently this came from the Washington Special
16 Despatch -- part of it, anyway. It shows the infor-
17 mation the Japanese people and the Japanese Government
18 received and which helped formulate their opinion.

19 THE PRESIDENT: Objection sustained; docu-
20 ment rejected by a majority.

21 MR. LOGAN: We offer in evidence defense
22 document 1900-A-9, an excerpt from the Asahi News-
23 paper of January 13, 1941, reporting the appointment
24 of a special committee to conclude an agreement cover-
25 ing technical particulars as to leasing naval and air

1 bases on the British islands in the Western Hemi-
2 sphere and that said committee was leaving for
3 England.

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVENNER: The same objection as to the
6 other 1900 series documents, if the Tribunal please.

7 MR. LOGAN: This, if the Tribunal will re-
8 call, was the secret meeting, which evidence was intro-
9 duced. Then, again, the point was raised by the prose-
10 cution, did Japan know about this meeting? Here is
11 evidence of it.

12 THE PRESIDENT: The objection is sustained and
13 the document rejected by a majority.

14 MR. LOGAN: We offer in evidence defense
15 document 1900-A-10, an excerpt from the Asahi Shimbun
16 of January 13, 1941, reporting that Canada's new air
17 bases in the North were to be placed at the service
18 of the United States Air Forces.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: If the Tribunal please, the
21 same objection is made to this as to the other docu-
22 ments in series 1900.

23 MR. LOGAN: Here, again, if the Tribunal
24 please, we offer evidence to show that information was
25 received in Japan of these various acts. It will be

1 up to the Tribunal to determine whether they were
2 sufficient to cause apprehension of the Japanese
3 people and the Japanese Government that they were
4 being encircled and whether or not their act was
5 warranted in declaring a defensive war.

6 THE PRESIDENT: The objection is sustained
7 and the document rejected by a majority.

8 MR. LOGAN: I also wish to explain that we
9 intend to tie this up by evidence which we will
10 produce later.

11 THE PRESIDENT: I gave the decision.

12 MR. LOGAN: I am sorry. I didn't hear it.
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1 We offer in evidence defense document
2 1900-A-11, an excerpt from the Asahi Shimbun of
3 January 15, 1941. In this report is the account
4 of House Naval Affairs Committeeman King suggesting
5 the acquisition of British Islands in the south and
6 mid-Pacific in return for President Roosevelt's
7 Lend-Lease Aid to Britain.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please,
10 objection is made to this newspaper excerpt on the
11 same grounds as the others under Series 1900.

12 MR. LOGAN: We urge its acceptance for the
13 same reason set forth in the other documents we have
14 offered in that series.

15 THE PRESIDENT: Objection sustained and the
16 document rejected by a majority.

17 MR. LOGAN: We offer in evidence defense
18 document 1900A-12, an extract from the Asahi Shimbun
19 of January 16, 1942 reporting opinions expressed among
20 the United States Navy Circles as to the use of
21 Singapore.

22 THE PRESIDENT: Mr. Tavenner.

23 MR. TAVENNER: If the Tribunal please, objection
24 is made to this newspaper excerpt on the same grounds
25 as the others in Series 1900.

1 MR. LOGAN: We offer in evidence --

2 THE PRESIDENT: Just a minute. The objection
3 is sustained and the document rejected by a majority.

4 MR. LOGAN: We offer in evidence defense
5 document 1900-A-13, an excerpt from the Asahi
6 Newspaper of January 17, 1941 which reports the United
7 States Navy's enlargement of the air bases across
8 the Pacific, submarine patrol planes and the Navy's
9 orders to produce a number of airships to be used
10 for patrol.

11 THE PRESIDENT: Mr. Tavenner.

12 MR. TAVENNER: If the Tribunal please, objection
13 is made to this newspaper excerpt on the same grounds
14 as the others.

15 MR. LOGAN: If the Tribunal please, I don't
16 know how we can prove our case unless we can show that
17 the Japanese Government and the Japanese people knew
18 what was going on. It goes right to the heart of the
19 defense that she was being encircled and she knew about
20 it. She knew what was going on. Is that justification
21 for her subsequent acts? Prosecution advanced the
22 tenuous argument before, that we shouldn't prove what
23 the United States and other countries were doing along
24 naval lines because we couldn't show that it was brought
25 home to Japan. Here is evidence ~~that~~ what was happening

1 was actually known to the people in Japan, and it is
2 up to the Tribunal, I submit, to determine whether or
3 not this information which was received was sufficient
4 to inflame the Japanese people and to cause the Japanese
5 Government to do what it subsequently did.

6 THE PRESIDENT: A Member of the Tribunal puts
7 it this way, Mr. Logan: The Japanese Ministers of
8 State didn't act on newspaper reports.

9 MR. LOGAN: They acted on newspaper reports
10 and other reports and we propose to show in a few
11 minutes just the type of reports that they did act on.

12 THE PRESIDENT: I think we have allowed a
13 newspaper report to be used as confirmation of certain
14 atrocities, exposed by a witness to a newspaper or
15 a newspaperman. But, I do not think we have taken
16 newspaper reports as evidence of the occurrences to
17 which they referred.

18 MR. LOGAN: I thought I made it abundantly
19 clear, your Honor, that I am not offering these news-
20 paper reports for the truth or falsity of the information
21 contained therein. It seems to me that the facts that
22 are in this case would give the Tribunal sufficient
23 information and light as to whether or not they are
24 true or false. I am offering them because --
25

THE PRESIDENT: Individual accused, if and when

1 he gives evidence may, perhaps, be able to say what
2 influenced him.

3 MR. LOGAN: If the Tribunal please, that
4 is the purpose of the general phases. We offer this
5 evidence once. If each individual accused is going
6 to take the stand and say "I read this, I read this,
7 I read this, in the newspaper," we would have the same
8 testimony 25 times.

9 THE PRESIDENT: You might. We shall have
10 to try to avoid that without prejudice to the accused,
11 of course, if it arises.

12 MR. LOGAN: That is exactly what we are trying
13 to avoid, such duplication of effort and the prolongation
14 of the trial. On the other hand, if we have this
15 evidence through these documents of what appeared in the
16 newspapers and these accused read the newspapers or
17 relied on those reports, it would be a simple matter
18 just to refer to the exhibits by number.

19 THE PRESIDENT: It was suggested at some
20 stage or other that these Japanese newspapers in those
21 days were publishing only press or government releases.

22 MR. LOGAN: All these reports, these releases,
23 show they come from foreign countries. This particular
24 one here comes from Los Angeles.

25 THE PRESIDENT: If that is so, why not give

1 us the information from the Japanese official
2 sources showing upon what these releases were based?

3 MR. LOGAN: Well, these reports come in
4 from various countries and they are published in the
5 newspaper here. It seems to me that the mere fact
6 that they appeared in the paper -- that is all I am
7 offering them for. I have tried to explain that when
8 I started to offer these papers, but I just wondered
9 whether or not the Court understood what I was trying
10 to do.

11 THE PRESIDENT: Here is a point at observation:
12 You may be suggesting that a war is justified because
13 of reports in newspapers, whether true or false.

14 MR. LOGAN: I am not suggesting that. I am
15 suggesting this, if the Tribunal please, that actions
16 were taken of a military nature by other countries. In
17 the first place, prosecution think that everything the
18 other countries did was secret and was not known to
19 the people of Japan. This evidence contradicts that.
20 Secondly, we will show that the information contained
21 in these documents was, as a matter of fact, true. What
22 we are trying to do is to show through this particular
23 method that the actions which were taken by the other
24 countries was actually published in the Japanese
25 newspapers and they knew about it.

As I said earlier this afternoon, I am not

1 relying upon these documents to show the truth or
2 falsity of the information contained therein. I
3 am just relying on that to show that Japan knew what
4 was going on and the subsequent actions of the Japanese
5 people and the Japanese Government were based, in part,
6 on these documents.

7 THE PRESIDENT: This is way back in January,
8 1936, don't forget.

9 By a majority --

10 MR. LOGAN: I am sorry, there is an error in
11 that. That is "January 17, 1941." I read it correctly
12 in my commentary. That's "January 17, 1941."

13 THE PRESIDENT: Well, a majority think that this
14 has no probative value. The objection is sustained
15 and the document rejected.

16 Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, document
18 1739 appears in an early place on the order list for
19 tomorrow. The first 30 pages of it we can read; the
20 rest of it, it is impossible to follow. I thought
21 attention should be called to that now so that it could
22 be corrected.

23 THE PRESIDENT: Are you referring to an English
24 translation?

25 MR. TAVENNER: Yes, sir.

1 THE PRESIDENT: We will defer that to the
2 Language Section, Major Moore.

3 MR. TAVENNER: If your Honor please, it is
4 not a matter for the Language Section. It is just
5 a question of putting the document together and in
6 typing it. There are some pages --

7 THE PRESIDENT: Why ask the Tribunal to do
8 that? We will give any necessary direction to correct
9 what is required to be done.

10 We will adjourn until half-past nine tomorrow
11 morning.

12 (Whereupon, at 1600, an adjournment
13 was taken until Tuesday, 12 August 1947 at
14 0930.)

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